Kathy Robinson, Regional Hearing Clerk,
U.S. Environmental Protection Agency, Region 7,
11201 Renner Boulevard, Lenexa, KS 66219.

Re: EPA Docket No. CWA-07-2015-0054

Dear Kathy Robinson, Regional Hearing Clerk, Region VII EPA,

I am writing to voice my dire concern for the Missouri Ozarks watersheds, specifically those under threat by Coastal Energy's asphalt plant on the Eleven Point National Wild and Scenic River. I have been following the developments for some time and have become aware of the draft settlement with Coastal, which is woefully inadequate and short-sighted.

I moved to the Ozarks from Michigan two years ago. I have spent time on these beautiful creeks and rivers and have a deep appreciation for them and the fragile natural ecosystems that they support. A breach of the Coastal tanks, whether though human failure or sinkhole collapse would be an epic disaster. Contamination would not be limited to the Eleven Point River seen above ground, but would be distributed far across the region via the underground network of streams and lakes created by the Ozarks' karst geology.

I cannot articulate the risks more effectively than Tom Kruzen so I am including his assessment below to speak on my behalf. However, I will go a step further and emphasize that the only responsible action would be to remove or relocate the facility altogether.

Respectfully,

[redacted]

[redacted]

Dear Kathy Robinson, Regional Hearing Clerk, Region VII EPA,

Although the settlement mentions several times the proximity of the tanks to the Eleven Point River (120-200 feet), it makes no mention that this facility with 2.8 million gallons of toxic liquids sits in a field filled with sinkholes. 10 major sinkholes surround the facility. Why did the EPA ignore this fact? I sent the EPA , MDNR and the Missouri Attorney General a Google Earth photo taken of a possible sinkhole collapse on the upper end of the field immediately next to the tank farm. It appears to be only 20 or so yards from the main Burlington Northern rail line and several hundred yards from the actual tanks. This sinkhole had an excavator and dump truck beside it-an apparent attempt to fill it in.

1) Karst: This settlement does not mention that there is a 1975 dye traced 34.5 mile karst connection from Willow Springs directly to Greer Spring.

2) Anti-degradation Tier III: This settlement totally ignores the fact that the Eleven Point River is subject to the Anti-degradation Policy – Outstanding Natural Resource Waters are classified in the WQS as"Tier Three Waters". For these waters, no degradation of water quality is allowed. 10 CSR 20-7.031(2)

3) Sinkhole Collapse: Although this agreement mentions that the Facility Response Plan must consider worst case scenarios, few have been posited. There have been two major catastrophic sinkhole collapses in Howell County that have contaminated ground water. Despite this history, the MDNR and EPA continue to ignore such a threat to the integrity of these tanks. Such a facility should not be permitted so close to such a valuable resource. Such a collapse could also threaten the area's wells and drinking water as DGLS geologist Chris Vierrether forewarned in 2011! The hollowing out of karst only gets bigger and accelerates with time.

4) Train derailment: The Coastal Tank Farm sits on a curve in the main Burlington Northern line with many trains traversing daily. Derailments on aging tracks are becoming commonplace and a derailment is NOT out of the picture. A derailment of an oil train from the Bakken shale could explode as they have in numerous places-posing an immediate threat to the combustible liquids in the tanks. If the ethanol were to explode, it would ignite the other liquids including the asphalt. The settlement mentions in passing that asphalt's ignition point is 600 degrees. An ethanol explosion could ignite the asphalt and the diesel.

5) Accidents on HWY 60/63: There is also a very real danger from an accident on Hwy 60/63. A gasoline tanker or propane tanker could crash into the large propane tanks on Coastal property causing further explosions and threats to the tank farm.. A fire and/or an explosion at this facility would be difficult to extinguish. Such a fire would need large amounts of water to put out the flames. Water mixed with ethanol, diesel and asphalt would not be a good thing to seep or flow into the Eleven Point River. Ethanol fires need to be extinguished using foam. Does the Willow Springs Fire Department have enough foam to extinguish 300,000 gallons of ethanol?

6) Transformer: Although the EPA inspections of 2014 mention that an electrical transformer is NOT allowed on Coastal property, such a transformer rests on a power pole near the little office building, not far from the propane and ethanol tanks. When transformers get hit by lightening and tornados, they explode. One of the older ones in Mt. View exploded spontaneously a few months ago and caused a fire and injured two people.

7) Haz Mat Crew: Although the Willow Springs Fire Dept will receive some emergency equipment from this draft settlement, we are NOT sure they are certified in handling hazardous materials, The nearest certified hazmat teams are in West Plains or Ft. Leonard Wood-too far away to be effective.

8) Unauthorized pipes: The 2014 inspections revealed several unauthorized uninspected storm water drainage pipes from Coastal emptying into the Eleven Point River. They are clearly visible in the EPA's inspection report and from an aerial photograph that we took that same year. Why weren't these pipes addressed?

9) Recent heavy rains: Recent heavy rains have filled the Eleven Point River in Willow Springs and its tributaries with as much as 6 feet of fast moving water. Such fast moving water could have damaged those pipes and caused stream bank erosion. Has anyone from EPA inspected this facility since summer 2014?

10) EPA Failure to read and study: The EPA in 1998 wrote a paper entitled, Evaluating Karst Geology Using the Hazard Ranking System.. Had the EPA read their own paper on Karst, they might have come to the conclusion that DGLS geologist Chris Vierrether came to in 2011-that this site is not suitable for such a facility. It is highly recommended that the EPA do so. This reinforces our contention that this facility should never have been built there in the first place. "Under karst conditions, contamination from a hazardous waste source can be expected to travel in ground water rapidly and erratically and with less dilution than in most other aquifer conditions. Because of this, sites overlying karst may pose a greater threat to human health and the environment."

11) Beginnings: According to Coastal, they began operations at the Willow Springs site in 2002. Yet we have found no documentation from that point to 2009. In 2012 MDNR granted Coastal a permit to operate. This is very curious. Why was Coastal allowed to operate all those years without a permit??? Would not such an unpermitted operation be fined up to $27,500 per day?

12) Secondary Containment: The 2014 EPA Inspections mentioned that there was not adequate secondary containment for the large asphalt tanks. Only a short gravel berm separates the tanks from the river. Three times in the Draft Settlement Agreement the EPA states that Coastal does NOT have adequate secondary containment. On the last page of this paper the EPA contradicts: "The facility is surrounded by a containment berm that will more than contain any release of asphalt product from the facility." The EPA is trying to have it both ways and this illustrates that they have not considered the many aspects of the Coastal situation. The asphalt is constantly heated to a temp of 300 degrees F in order to make it viscous enough to flow through pipes etc. Such an amount of 300 degree asphalt would not cool quickly and in the event of a rupture of an asphalt tank, the asphalt could easily overtop the existing short earthen berm. It is mentioned that the flashpoint (The point at which asphalt catches fire) is 600 degrees F. Any combustion of either diesel or ethanol could easily ignite the asphalt. Burning flowing fluids entering the river bed or karst underground would be an unparalleled disaster.

13) An ethanol fire: An ethanol fire can only be adequately extinguished using foam. It is unclear that the Willow Springs Fire Dept. has any foam in enough quantities to make a difference. The ignition and resulting explosion of 300,000 gallons of ethanol at Coastal would cause wide-spread damage to the surrounding area, including homes, roads, as well as the Eleven Point Volunteer Fire Department, which resides a short distance away.

14) Berm height: As was mentioned in one of the 2014 EPA Inspections, the height of the earthen berm was too low to contain the material in the tanks.

15) Latest technology? The EPA brags that the requirement of the real time tank alarm system is the latest technology. Ground penetrating radar is pretty new technology that might settle the karst question under the tanks once and for all. Has the EPA considered requiring Coastal to use either test bores or ground penetrating radar to establish if there are any voids under the tanks?

16) In Coastal's Certification of the Applicability of the Substantial Harm Checklist, Coastal president David Montgomery checked question number three "No". He did this incorrectly and illegally. The sheet later goes on to say that he certifies under penalty of law what he said was "true, accurate and complete: What is his penalty for checking "No"?

For these many reasons I totally reject this draft settlement with Coastal as an inadequate response to the illegal behavior practiced at Coastal Energy

Sincerely,

August 30, 2015

[redacted]
Mountain View, MO 65548

Kathy Robinson, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

RE: Docket No. CWA-07-2015-0054

Dear Ms. Robinson:

I am writing to express my concerns about the location of the Coastal Energy storage facility located near Willow Springs, MO, less than 200 feet from the Eleven Point River.

As I am sure you know, the Eleven Point River is subject to the Anti-degradation Policy. Outstanding Natural Resource Waters are classified as "tier three waters," meaning that for these waters, no degradation of water quality is allowed. Meanwhile, the likelihood of contamination from a facility containing 2.8 million gallons of toxic liquids so close to the Eleven Point seems highly likely, if not inevitable.

The entire area is dominated by karst topography, which is highly vulnerable to groundwater contamination. Dye-tracing studies have found that anything put into the ground travels quite rapidly over an extensive area. If there were to be a spill of any kind at Coastal storage facilities, it would contaminate not only the Eleven Point, but local water supplies, and even water bodies as far away as Greer Spring. In 1998, the EPA wrote a paper entitled, "Evaluating Karst Geology Using the Hazard Ranking System," and is not unaware of these potential problems. Had the EPA taken serious their own paper on karst, they would not have allowed this facility to be built there in the first place.

In addition to the general vulnerability imposed by karst topography, Coastal's storage tanks sit in a field filled with at least 10 major sinkholes. Although your agreement with Coastal mentions that the Facility Response Plan must consider worst-case scenarios, it actually does not. There have been two major catastrophic sinkhole collapses in Howell County that have contaminated ground water, so it is not unlikely that in a worst-case scenario one of the 10 sinkholes near the Coastal facility would do the same. Apparently, a sinkhole that recently opened up only 20 yards from the Burlington Northern line and about 200 yards from the tanks was discovered on Google Earth with an excavator and dump truck beside it-an apparent attempt to fill it in. Why is this worst-case scenario – which may already be happening – being ignored?

In addition, the inspections you conducted in 2014 revealed several unauthorized effluent pipes from Coastal emptying into the Eleven Point River. Given the karst topography and the presence of known sinkholes, the effluent from these pipes is a potential source of contamination. Why weren't these pipes addressed in the agreement?

Recent heavy rains have filled the Eleven Point River in Willow Springs and its tributaries with as much as 6 feet of fast moving water. Such fast moving water could have damaged those pipes and caused stream bank erosion. Has anyone from EPA inspected this facility since summer 2014?

The Coastal Tank Farm sits on a curve in the main Burlington Northern line with many trains traversing daily. Derailments on aging tracks are becoming commonplace and a derailment is NOT out of the picture. A derailment of an oil train from the Bakken shale could explode as they have in numerous places – posing an immediate threat to the combustible liquids in the tanks. If the ethanol were to explode, it would ignite the other liquids including the asphalt.

Although the EPA inspections of 2014 mention that an electrical transformer is NOT allowed on Coastal property, such a transformer rests on a power pole near the little office building, not far from the propane and ethanol tanks. When transformers get hit by lightening and tornados, they explode. One of the older ones in Mountain View exploded spontaneously a few months ago and caused a fire and injured two people.

The Willow Springs Fire Dept will apparently receive some emergency equipment from this draft settlement, but unless they are certified in handling hazardous materials, the equipment will not help in case of an emergency. An explosion of 300,000 gallons of ethanol at Coastal could cause wide-spread damage to the surrounding area, including homes, and roads – and it not likely that the local fire department is prepared to deal with such a catastrophe. Meanwhile, the nearest Hazmat teams that are likely to be capable of handling such an incident are in West Plains or Fort Leonard Wood – too far away to be effective.

For these reasons, I would respectfully ask that EPA not allow this facility – which is endangering the Eleven Point River, local water supplies, and the local community – to continue to function where it is now. Thank you for considering my views.

Sincerely,

[redacted]

To: Kathy Robinson, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219.

From: [redacted]

RE: Docket No. CWA-07-2015-0054.

The penalty assessed to Coastal Energy ($25,000) seems too small to act as a deterrent to avoid complying with the Clean Water Act. The order does require Coastal to expend at least $175,000, but these are costs Coastal Energy would have expended if it had complied with the Clean Water Act. So for $25,000 it was probably worth the business risk to avoid paying out $175,000. (A loan of $175,000 over 5 years at 5% interest costs $43,750. By delaying these expenditures there is profit to be made.)

There is a more significant concern. The consent agreement/final order does not address the geology of the site. Karst is mentioned in the letter to Mr. Bosserman of 9/26/14.

page6: "Discuss technology optimal for responding to a release, such as different responses associated with ethanol vs. liquid asphalt and the Karst topography within the area."

The EPA needs to enforce the regulations based on the karst geology. (see below)

Publication 9320.8-02FS PB98-963327 EPA 540-F-98-052 September 1998

Evaluating Karst Geology Using the Hazard Ranking System

"Under karst conditions, contamination from a hazardous waste source can be expected to travel in ground water rapidly and erratically and with less dilution than in most other aquifer conditions. Because of this, sites overlying karst may pose a greater threat to human health and the environment. The Hazard Ranking System1 (HRS) contains special considerations to account for the increased threat posed at sites where karst underlies any part of a source. This fact sheet will discuss the definition and identification of karst, the ways in which karst conditions at the location of a source affect the HRS scoring process, and commonly-asked questions and answers. "

I am assuming I do not need to detail the types of disasters and costs of cleanup that a spill or a tank collapsing into a sinkhole would produce.

I don't read anything in this order that precludes addressing karst related threats. At the very least ground penetrating radar or bore holes should be required for the area under and near the storage tanks and railroad tracks. I urge the EPA to continue to enforce appropriate regulations in spite of political pressure.

[redacted]

[redacted]

September 19, 2015

Kathy Robinson, Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219.

EPA Docket No. CWA-07-2015-0054

Dear Ms. Robinson:

We wish to comment on the settlement agreement with Coastal Energy.

The settlement agreement with Coastal is inadequate and should be rejected.

Coastal stores millions of gallons of toxic liquids within 120 to 200 feet of the Eleven Points River, an Outstanding Natural Resource Water. Storage of toxic liquids in close proximity to Outstanding Natural Resource Waters should not be permitted.

This storage facility is located in an area of karst geology containing numerous sinkholes. Toxic substances should not be permitted in karst locations which are subject to collapse.

For these and other reasons, the facility should be closed and all toxics moved to a safer location away from outstanding waterways like the Eleven Points River and areas of karst geology subject to sinkholes and catastrophic collapse.

Thank you for considering our comments.

Yours sincerely,

[redacted]

Kathy Robinson
Regional Hearing Clerk
US Environmental Protection Agency
Region 7
11201 Renner Boulevard
Lenexa, KS 66219

In Re the Matter of Coastal Energy Corporation
Docket No. CWA-07-2015-0054

To Whom It May Concern:

I am a lifelong resident and servant of the Willow Springs community. I have been heavily involved in education, having served as president of the Willow Springs R-IV School Board for twelve years and currently director for Three Rivers College in Willow Springs and pastor a local church. That church has a large outreach ministry to kids in our community. I have invested my life trying to make Willow Springs a better place to live, work and raise a family.

Coastal FMC, whom you recently fined, is one of the businesses I am proud to have in our community. Honest to a fault, they provide a lot of families with jobs and homes and food. Recently, they have come under attack by a small group of folks concerned about the environment. I certainly want our streams and ground water protected, but these folks launched a cause that was 'no cause at all'. And you fell for it. The largest storage at Coastal is asphalt cement. Anyone with even a slight understanding knows that it will not flow unless heated, it sets up so you can drive on it at ambient temperatures and it wont mix with water. If it was an unsafe product we wouldn't be pouring it out, mile after mile, on our highways. If you bombed the storage facility, not one drop of asphalt cement would ever reach the Eleven Point River because it is a physical impossibility. Similarly, the Ethanol stored at that location isn't a threat either. It is a biodegradable product. It is no threat to the Eleven Point or ground water.

Your fine seems monstrously exorbitant to me. Not only do I think it is sufficient, I think you have gone beyond the bounds of reason. I see storage facilities that are storing gasoline and other petroleum products all along the Mississippi River. These don't draw any attention at all. In my opinion, you have reacted to the squeaky wheel, rather than acting with common sense.

Coastal has a reputation for doing what it right. The owners live downstream from that storage facility. They are raising their children downstream from that facility. They have complied essentially in every way with every governmental organization from their beginning. You are punishing a company and a community that have done nothing wrong. It is these kinds of governmental overreaches that create such animosity.

When you can chemically and physically demonstrate that you can mix asphalt and water, then and only then should you fine Coastal AT ALL

Sincerely,

[redacted]

Sept. 3, 2015

Re: **EPA Docket No. CWA-07-2015-0054**

Dear Kathy Robinson
Regional Hearing Clerk,

Please consider the following comments on Docket No. CWA-07-2015-0054

1. Coastal Energy has been in operation since at least summer of 2002. Since it is clear that Coastal Energy has operated for 13 years without the required SPCC plan, it is also clear that the Clean Water Act authorizes a fine of $27,500 per day for a violation. That means that EPA should have awarded a fine of over **$138 million** rather than a paltry $25000 (and apparently an additional $200,000 if Coastal Energy does not comply with the conditions of the Final Order).
2. While EPA orders certain conditions that Coastal Energy must meet, there is no long-term protection of the Eleven Point River. This is of utmost importance, since the Eleven Point is an Ozark National Scenic River (federally designated) and one that is accorded by both state and federal authorities (including EPA) the highest level of water quality protection. EPA is presumably in thrall to political leaders of the City of Willow Springs who claim that Coastal Energy is of enormous benefit. While that claim is doubtful, it is not doubted that if the water quality of the Eleven Point River is polluted by an accidental or purposeful spill of the entire or partial contents of the tanks of Coastal Energy, the entire region will suffer economic hardship. If the water quality of the Eleven Point River is compromised, it is likely that it will no long be a draw for tourists who currently fish, swim, canoe, kayak and raft in its clear, cool waters. **If these waters are fouled, tourism will end.**
3. As mentioned above in #1, the issue of the amount of the fine needs clarification. It appears that there is an initial and immediate fine of $25000, and if non-compliance is ascertained, an additional fine of $200,000. However, this is subject to interpretation and that subjection needs to end. **Clarification is in order.**
4. It is likewise unclear whether or not a berm is present that will capture the entire contents of the tanks. The Settlement Agreement itself is contradictory on this point at one point asserting that the berm is inadequate and another stating that it is adequate. EPA has the authority to require a berm capable of containing the entire contents of the tanks. Since the tanks are located adjacent to a federally-designated National Scenic River, it is **imperative that EPA issue an order that requires a berm capable of capturing all contents of the tanks**
5. Coastal Energy has at least 15 other sites that could easily include the tanks at the Willow Springs site. Since the Willow Springs site endangers a federally-designated National River, and one that is accorded the highest degree of protection, **it is highly recommended that all of the tanks be located outside of the watershed of the Eleven Point River.**
6. Finally, and perhaps most importantly, EPA has failed to acknowledge its own studies and that of the Missouri Department of Geology and Land Survey that Coastal Energy is sited in an area of Karst topography, one in which surface water quickly becomes groundwater. Once groundwater becomes contaminated, it is almost impossible for cleanup efforts to restore water

quality; groundwater contamination has occurred from coast-to-coast in this country and it takes years, decades, centuries for the groundwater to return to its original unpolluted state Even worse, in the event of a catastrophic event – such as a sinkhole on the site – not only would the Eleven Point River be contaminated, but also the world-renowned Greer Springs (dye tracing has shown a direct connection between groundwater in the Willow Springs area and Greer Springs). Akin to #5 above, it is imperative that **EPA acknowledge its failure and order that the tanks be located in a non-karst area.**

Sincerely,

[redacted]

Chair, Missouri Clean Water Campaign

cc: Nat'l EPA HQ.

[redacted]
West plains, Missouri 65775
September 4, 215

Kathy Robinson
Regional Hearing Clerk
U. S. Environmental Protection Agency
11201 Renner Blvd.
Lenexa, Kansas 66219

Dear Ms. Robinson:

I am writing about the storage tanks owned by Costal Energy located in Willow Springs in Howell County, Missouri. These tanks are very heavy and are sitting on dangerous karst topography. These tanks could break through the ground, break open and spill their contents, asphalt and oil, into the nearby stream that is the headwaters of the Eleven Point river, named a Wild and Scenic River by the government. These tanks need to be moved to more stable ground. Your agency itself has issued a paper about the dangers of karst topography.

Sincerely,

[redacted]

September 23, 2015

Kathy Robinson, Regional Hearing Clerk

U. S. Environmental Protection Agency, Region 7

11201 Renner Blvd.

Lenexa, KS 66219

Re: EPA Docket No. CWA-07-2015-0054

Dear Ms. Robinson:

My husband and I are writing to add our comments to those already submitted regarding the EPA's draft settlement with Coastal Energy located in Willow Springs, Missouri. We are alarmed by the threat that this industry poses to the Eleven Point River watershed, and we are concerned that several very important protections have not been included in this settlement.

Firstly, since the Eleven Point River is a Tier Three Waterway, it is our understanding that an industry such as Coastal should never have been located here, at the headwaters of this pristine river. Add to this the fact that it is situated above a known sinkhole area in karst topography, and it seems incomprehensible that such a facility exists in its present location.

The settlement as it is presently written, fails to include factors such as an inadequate containment area in case of flooding or leakage. Storm water drainage pipes which open directly into the river have not been addressed. A transformer on the property is located near both ethanol and propane tanks and would pose a serious threat to the entire community if it were to explode or be struck by lightning. Train derailment , sinkhole collapse, any of the above scenarios are not beyond imagining.

We would ask that these things be taken into consideration for the sake of the environment and the citizens of Howell County. The Eleven Point River and the beautiful Greer Spring are Ozark treasures. Just one release of the toxic materials at Coastal Energy could pollute this waterway and cause a multitude of health issues for the local population and a permanent degradation of this natural resource.

Thank you,

[redacted]

[redacted]

Vanzant, MO 65768

EPA Docket No. CWA-07-2015-0054

Dear Kathy Robinson, Regional Hearing Clerk, Region VII EPA,

Although the settlement mentions several times the proximity of the tanks to the Eleven Point River (120-200 feet), it makes no mention that this facility with 2.8 million gallons of toxic liquids sits in a field filled with sinkholes. 10 major sinkholes surround the facility. Why did the EPA ignore this fact? I sent the EPA, MDNR and the Missouri Attorney General a Google Earth photo taken of a possible sinkhole collapse on the upper end of the field immediately next to the tank farm. It appears to be only 20 or so yards from the main Burlington Northern rail line and several hundred yards from the actual tanks. This sinkhole had an excavator and dump truck beside it-an apparent attempt to fill it in.

1) **Karst**: This settlement does not mention that there is a 1975 dye traced 34.5 mile karst connection from Willow Springs directly to Greer Spring.
2) **Anti-degradation Tier III**: This settlement **totally ignores the fact that the Eleven Point River is subject to the Anti-degradation Policy** – Outstanding Natural Resource Waters are classified in the WQS as"Tier Three Waters". **For these waters, no degradation of water quality is allowed. 10 CSR 20-7.031(2)**
3) **Sinkhole Collapse**: Although this agreement mentions that the Facility Response Plan must consider worst case scenarios, few have been posited. There have been two major catastrophic sinkhole collapses in Howell County that have contaminated ground water. Despite this history, the MDNR and EPA continue to ignore such a threat to the integrity of these tanks. Such a facility should not be permitted so close to such a valuable resource. Such a collapse could also threaten the area's wells and drinking water as DGLS geologist Chris Vierrether forewarned in 2011! The hollowing out of karst only gets **bigger** and accelerates with time.
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16) **In Coastal's Certification of the Applicability of the Substantial Harm Checklist, Coastal president David Montgomery checked question number three "No".** He did this incorrectly and illegally. The sheet later goes on to say that he certifies under penalty of law what he said was "true, accurate and complete: What is his penalty for checking "No"?

+

For these many reasons we totally reject this draft settlement with Coastal as an inadequate response to the illegal behavior practiced at Coastal Energy

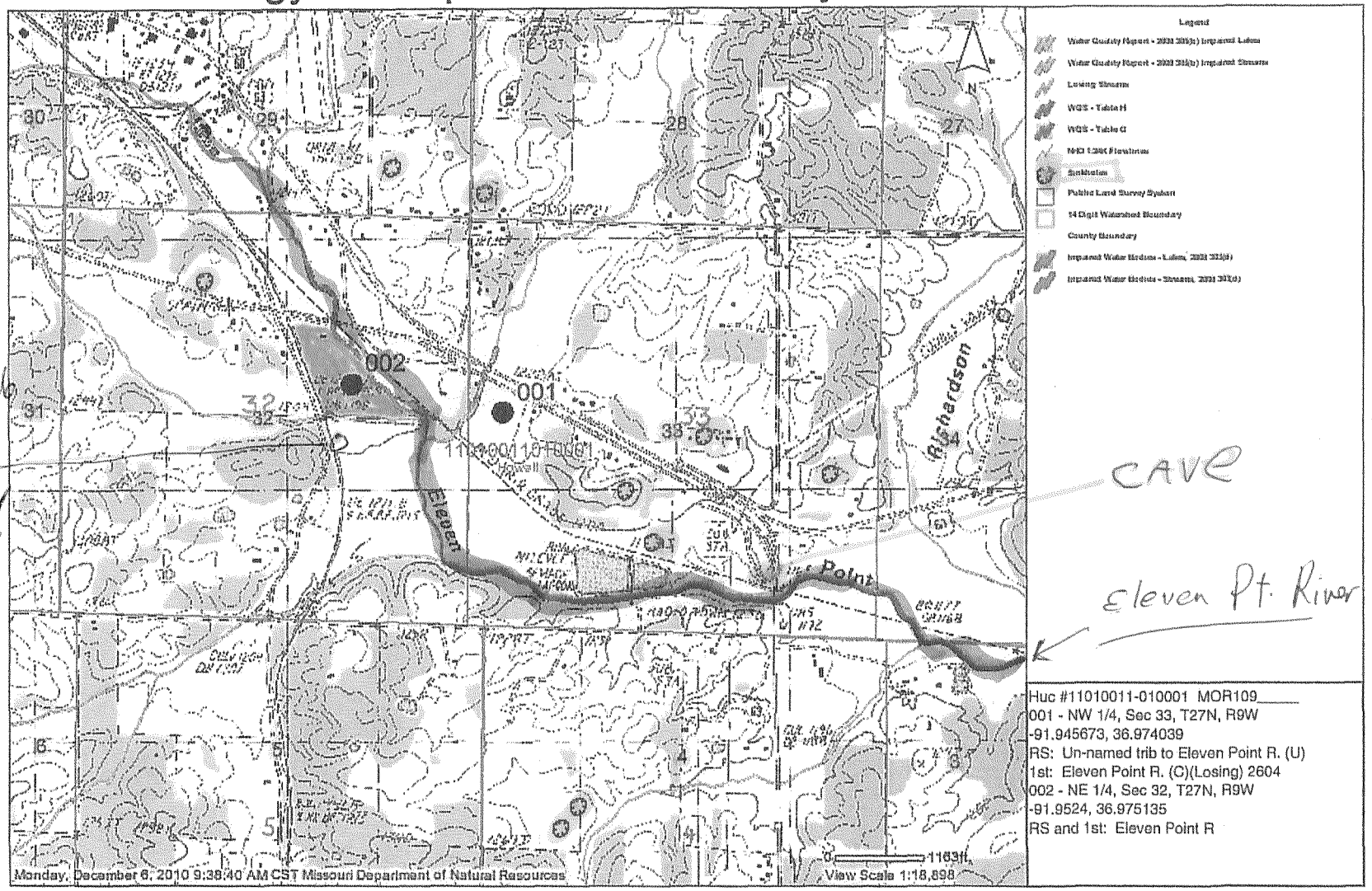
Sincerely,

[redacted]

Mountain View, Mo. 65548

MONR map on file at Poplar Bluff office

Coastal Energy Rail Spur - Howell County



possible site of sinkhole discovered on Google Earth

CAVE

Eleven Pt. River

Huc #11010011-010001 MOR109_____
001 - NW 1/4, Sec 33, T27N, R9W
-91.945673, 36.974039
RS: Un-named trib to Eleven Point R. (U)
1st: Eleven Point R. (C)(Losing) 2604
002 - NE 1/4, Sec 32, T27N, R9W
-91.9524, 36.975135
RS and 1st: Eleven Point R

Missouri Department of Natural Resources

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 Renner Boulevard
Lenexa, Kansas 66219

STOP RECEIVED

MAY 29 2014

MEMORANDUM

SUBJECT: SPCC Revised Inspection Report
Coastal Energy Corporation Terminal
Willow Springs, MO

FROM: Paul Doherty, On-Scene Coordinator
Planning and Preparedness South Section

THRU: Scott Hayes, Chief
Emergency Response South Branch

TO: Margaret Stockdale, Chief
Storage Tanks and Oil Pollution Branch

In response to questions raised about the adequacy of sized secondary containment for the asphalt tanks and loading racks at the Coastal Energy Corporation (Coastal) facility in Willow Springs, Missouri, a follow-up site visit was conducted on March 18, 2014.

A closer examination of the perimeter of the property determined that the "5 foot berm" described in the Spill Prevention Control and Countermeasures (SPCC) plan - which purportedly provides sized secondary containment for both the asphalt tanks and the loading racks in accordance with 40 CFR 112.8(c)(2) - does not exist. Several locations were identified where surface topography is such that surface runoff could flow directly into the Eleven Point River at the northeast end of the facility or directly into a tributary creek that empties into the Eleven Point River at the southeast end of the facility. The "berm" surrounding the property is not contiguous and does not provide an encompassing containment structure per 40 Code of Federal Regulations 112.8(c)(2).

A revised inspection checklist and photo log of the facility's perimeter area are attached for your information.

If you have any questions, feel free to contact me at x7924.

Attachments

How can the EPA suggest that this berm is now adequate secondary containment ???!!!

CERTIFICATION OF THE APPLICABILITY OF THE SUBSTANTIAL HARM CRITERIA CHECKLIST

FACILITY NAME: Coastal Energy Corporation, Willow Springs Facility

FACILITY ADDRESS: 232 Burnham Road

Willow Springs, MO 65793

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?
   Yes _____ No X

2. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground oil storage tank area?
   Yes _____ No X

3. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments?
   Yes _____ No X

4. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance such that a discharge from the facility would shut down a public drinking water intake?
   Yes _____ No X

5. Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years?
   Yes _____ No X

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

David Montgomery
Name (please type or print)

David Montgomery
Signature

President
Title

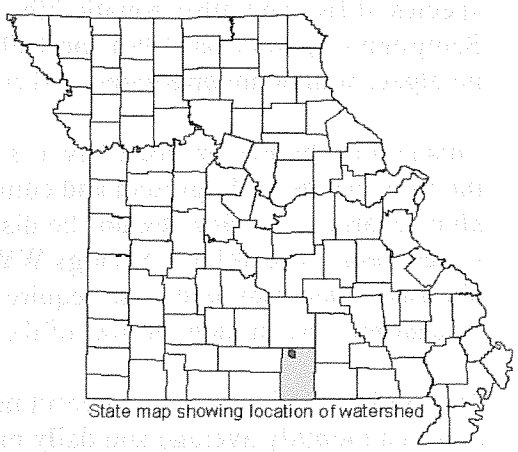
12/23/2009
Date

Missouri Department of Natural Resources

Total Maximum Daily Load Information Sheet

Eleven Point River

Waterbody Segment at a Glance:


State map showing location of watershed

County: Howell
Nearby Cities: Willow Springs
Length of impairment: 0.4
Pollutant: Chlorine
Source: Willow Springs WWTP

Note: Eleven Point River was added to the 2002 303(d) list for Mercury. See the Mercury Information Sheet.

TMDL Priority Ranking: TMDL Completed 2001

Description of the Problem

Beneficial uses of the Eleven Point River

- Livestock and Wildlife Watering
- Protection of Warm Water Aquatic Life (Cool Water Fishery)
- Protection of Human Health associated with Fish Consumption

Use that is impaired

- Protection of Aquatic Life (Cool Water Fishery)

Standards that apply

- The specific criteria (standards) for chlorine are found in Missouri's Water Quality Standards (WQS), 10 CSR 20-7.031 Table A, page 17. The numeric criteria for Cool Water Streams are the same as for Warm Water Streams. The standard is 0.01 milligrams per liter (mg/L or parts per million), expressed as total residual chlorine (TRC).
- Antidegradation Policy – Outstanding Natural Resource Waters are classified in the WQS as "Tier Three Waters". For these waters, no degradation of water quality is allowed. 10 CSR 20-7.031(2)

Background Information and Water Quality Data

The Eleven Point River is designated an "Outstanding National Resource Waters" (found in WQS 10 CSR 20-7.031 Table D) from the headwaters near Willow Springs in Howell County to Highway 142 in Oregon County. Outstanding National Resource Waters are "Waters which have outstanding national recreational and ecological significance. These waters shall receive special protection against any degradation in quality. Congressionally designated rivers,

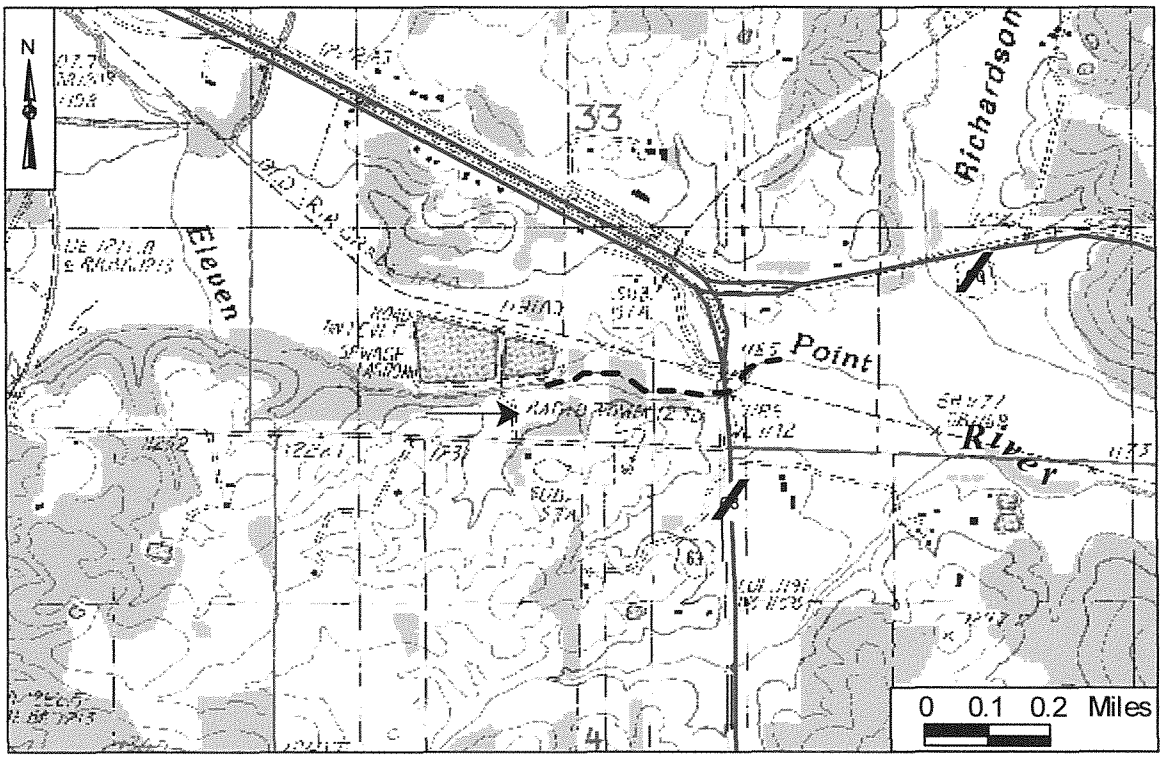
including those in the Ozark national scenic riverways and the wild and scenic rivers system are so designated." 10 CSR 20-7.031 (1) (O).

The effluent discharged from the Willow Springs Wastewater Treatment Plant (WWTP) dominates this reach of the Eleven Point River when water levels are low. Low flow conditions usually occur during late summer and early fall, when rain is less frequent. The presence of chlorine in the stream under low flow conditions creates an unsuitable environment for most species of fish and other aquatic life. Missouri Department of Natural Resources' Stream Survey Sampling Reports from 1990 and 1993 noted a chlorine odor, a light colored stream bottom, and no algae, aquatic invertebrates or fish immediately downstream of the treatment plant.

This part of the Eleven Point River is a "losing" stream. This is a stream where much or all of the flow can go underground and come into contact with groundwater. Missouri's WQS require all discharges to losing streams be disinfected to prevent bacterial contamination of drinking water wells. The Willow Springs WWTP disinfects the water discharged from the plant with chlorine. State standards also require dechlorination (a process that removes chlorine) when discharging to a stream the size of the Eleven Point River.

The Willow Springs WWTP permit has required dechlorination since July 1999. This permit allows a monthly average and daily maximum of 0.01 milligrams per liter (mg/L) of Total Residual Chlorine (TRC) in the effluent, which is protective of aquatic life. Quarterly monitoring of TRC in the effluent is also required. Willow Springs met the TRC standard in their December 2000 monitoring report for the first time. The U.S. Environmental Protection Agency approved this TMDL January 12, 2001. The Department of Natural Resources inspected the stream during the summer of 2001 and May 2004. There were no chlorine toxicity problems in the stream. Based on the findings of these surveys, this stream will be requested for deletion during the next listing cycle. See a map of the impaired part of the river below.

Willow Springs WWTP and the Impaired Segment of the Eleven Point River in Howell County, Missouri



Impaired segment → Direction of flow

For more information call or write:
Missouri Department of Natural Resources
Water Protection Program
P.O. Box 176, Jefferson City, MO 65102-0176
1-800-361-4827 or (573) 751-1300 office
(573) 522-9920 fax
Program Home Page: www.dnr.mo.gov/env/wpp/index.html

○ Groundwater elevation ○ Direction of groundwater flow ○ 25-year flood level ○ 100-year flood level

Notify Geologist

○ Before exploration ○ During constructio ○ After construction ◉ Not necessary

Remarks

On October 6, 2011, a geohydrologic evaluation was conducted by Christopher Vierrether of the Missouri Geological Survey Program per the request of Mr. Curtis Helder of Helder Environmental Consulting for the proposed land application of storm water containment collection. The goal of this evaluation is to determine the geologic and hydrologic elements of the site as they relate to the facility's construction and the potential for groundwater contamination in the event that treatment failure occurs. The proposed application area is composed of a pastured forty-acre tract located on the Willow Springs South 7.5' Quadrangle in the SE¼, section 32, T. 27 N., R. 9 W., Howell County, Missouri

The upper-most bedrock is of Ordovician-age Jefferson City Dolomite. This unit is composed of fine to medium crystalline dolomite with interbedded sandstone. Nodular chert is sporadically present in the dolomite. The presence of a losing stream and numerous sinkholes in the area indicates the site is situated in a karst environment and the Jefferson City Dolomite has a high permeability in this vicinity.

The surficial materials have a total thickness of about 50 feet and appear to be composed of alluvial sediments ranging in size from clay to gravel. The upper surficial materials are dominated by silty clay to clay which is probably underlain by coarser alluvial materials. Based on the high volume of coarser materials typically associated with an alluvial setting, these surficial materials are likely to have a high permeability.

The 40-acre pastured site is situated in the floodplain of the Eleven Point River. Numerous sinkholes surrounding the area, and the losing streams (Eleven Point River and an unnamed tributary) that bound the site, strongly suggest the presence of karst. The southern portion of the site appeared hummocky and low areas contained throats, suggesting the presence of sinkholes in this area. The northern portion does not display the hummocky landscape or throats present in the southern portion. However, effluent applied to both areas will likely experience rapid vertical migration and infiltration.

Based on the geologic and hydrologic characteristics observed during the visit, the 40-acre tract should be split into two different land application sites. The southern portion contains evidence of active sinkhole formation. Land application on this site would allow effluent to quickly migrate into the underlying bedrock and regional water supply. The northern portion tract does not display active sinkhole formation and appears suitable for land application of effluent. If treatment of the waste should fail, the effluent could impact the regional water supply.

This document is a preliminary report. It is not a permit. Additional data may be required by the Department of Natural Resources prior to the issuance of a permit. This report is valid only at the above location and becomes invalid one year after the report date below.

Report By: Chris Vierrether

Report Date: 11/28/2011

CC SERO; WPP

PO Box 218 Willow Springs MO 65793

Requestor: Heider Environmental Consulting
Curtis Heider
14 Bright Star Drive Columbia MO 65203
(573) 445-3033

Previous Report ☑ Not Applicable
Date
Identification Number
Fiscal Year

Facility Type
- ○ Mechanical treatment plant
- ○ Recirculating filter bed
- ○ Earthen lagoon with discharge
- ○ Earthen holding basin
- ◉ Land application
- ○ Other type of facility

Type of Waste
- ○ Animal
- ○ Human
- ○ Process or Industrial
- ○ Leachate
- ◉ Other waste type

Funding Source
- ◉ PPG
- ○ WWLF-SRF
- ○ Non-Point Source

Other Information
- ○ Plans were submitted
- ○ Site was investigated by NRCS
- ○ Soil or geotechnical data were submitted

Date of Field Visit: 10/6/2011

Stream Classification: ○ Gaining ○ Losing ◉ No discharge

Overall Geologic Limitations
- ○ Slight
- ○ Moderate
- ○ Severe

Collapse Potential
- ◉ Not applicable
- ○ Slight
- ○ Moderate
- ○ Severe

Topography
- ◉ < 4%
- ○ 4% to 8%
- ○ 8% to 15%
- ○ > 15%

Landscape Position
- ○ Broad uplands
- ○ Ridgetop
- ○ Hillslope
- ○ Narrow ravine
- ◉ Floodplain
- ○ Alluvial plain
- ○ Terrace
- ○ Sinkhole

Bedrock The upper-most bedrock is of Ordovician-age Jefferson City Dolomite.

Surficial Materials The surficial materials are approxmately 50 feet thick and composed of alluvial sediment ranging from clay to gravel

United States
Office of
Publication 9320.8-02FS
Environmental Protection
Solid
Waste and
PB98-963327
Agency
Emergency Response
EPA 540-F-98-052
September 1998

Evaluating Karst Geology Using the Hazard Ranking System

Office of Emergency and Remedial Response
State, Tribal, and Site Identification Center (5204G)
Quick Reference Fact Sheet

Under karst conditions, contamination from a hazardous waste source can be expected to travel in ground water rapidly and erratically and with less dilution than in most other aquifer conditions. Because of this, sites overlying karst may pose a greater threat to human health and the environment. The Hazard Ranking System[1] (HRS) contains special considerations to account for the increased threat posed at sites where karst underlies any part of a source. This fact sheet will discuss the definition and identification of karst, the ways in which karst conditions at the location of a source affect the HRS scoring process, and commonly-asked questions and answers.

INTRODUCTION

What is karst? Consistent with the definition of karst in the HRS, The Hazard Ranking System Guidance Manual[2] defines karst as:

> A kind of terrain with characteristics of relief and drainage arising from a high degree of rock solubility. The majority of karst conditions occur in limestone areas, but karst may also occur in areas of dolomite, gypsum, or salt deposits. Features associated with karst terrain may include irregular topography, abrupt ridges, sinkholes, caverns,

abundant springs, disappearing streams, and the lack of a well-developed surface drainage system of tributaries and streams. Karst aquifers generally are associated with karst terrain on the surface. Karst aquifers at depth may not be associated with karst terrain.

Karst aquifers and karst terrain are formed by dissolution of certain types of rocks by ground water and rain. Where extensive dissolution has occurred (mature karst), ground water flow is dominated by conduits that act as tributaries to cave streams. Subterranean openings in karst range in size from minute voids to large caverns. Ground water flow velocities are potentially very high, and contaminants in karst can travel long distances with little dilution in comparison to contaminants in granular porous media aquifers.

In the United States, karst is most commonly found in the midwest, eastern, southern, and mountain states, but small pockets of karst can be found in almost every state in the Nation.

[3]

The presence of a karst aquifer underneath a site must be based on site-specific information.

In the scoring of karst aquifers in the ground water pathway and the ground water to surface water component of the surface water pathway, the HRS accounts for differences in the fate and transport of hazardous substances by assigning higher factor values if karst aquifers are present under the site. Karst is evaluated differently for several HRS factors in these pathways.

IDENTIFYING KARST FOR SCORING PURPOSES

To score the ground water pathway or ground water to surface water component of the surface water pathway, the presence of karst conditions underlying any portion of the sources should generally be documented using site-specific information.

The Hazard Ranking System Guidance Manual suggests that the site evaluator:

1. Use geologic maps and other readily available information to determine if karst features are expected within 4 miles of the site.

If a karst formation is identified

EXHIBIT 1

HRS GROUND WATER PATHWAY
FACTORS EVALUATED
FACTORS EVALUATED
DIFFERENTLY
DIFFERENTLY
FOR KARST
FOR KARST
Ground Water
Ground Water
Pathway
Pathway
Evaluate
Evaluate
d
d
Differentl
Differentl
y
y
Likelihood of Release
Likelihood of Release
Observed Release
No
Potential to Release
YES
Containment
Net Precipitation
Depth to Aquifer
Travel Time
No
No
YES
YES
Waste Characteristics
Waste Characteristics
Toxicity
Mobility
Hazardous Waste Quantity
No
YES
No
Targets
Targets
Nearest Well
Population
Resources

Wellhead Protection Area
YES
YES
No
No
within the target distance limit (TDL), continue with the following steps.
2. Compile the available site-specific evidence that indicates the presence of karst. Such information can be obtained from topographic maps, aerial photographs, maps of caves, and visual observations.
3. Estimate the lateral extent of karst. Based on the distribution of the karst features within the formation, use professional judgement to delineate laterally the areas containing karst features. Documentation of karst underlying a source may include, but is not limited to:

- A drilling or boring log from on-site wells that indicates voids beneath the source, illustrated by a lithologic log, loss of drill mud, or intermittent plunges of the drill bit into solution cavities.
- Surficial features of karst terrain, such as a sink hole, are evident on the site.
- Features of karst terrain are extensive surrounding the site, within the target distance limit, and indicate the karst formation extends beneath the site.

4. Estimate the thickness of karst. As an initial determination, the depth and thickness of the formation(s) containing the karst features should be evaluated. Indications of depth and thickness may be available from well log data, scientific literature, or other information compiled during the evaluation of aquifer boundaries.
5. Define the aquifer boundaries for karst aquifers. To identify karst aquifer boundaries, start with geologic maps and information compiled during the identification and definition of aquifers. Based on this information, compile a list of geologic materials and/or formations that are known to contain karst features.
6. Identify wells that draw drinking water from a karst

aquifer that underlies sources at the site. These drinking water wells qualify for special consideration when scoring potential contamination.

The steps provided in The Hazard Ranking System Guidance Manual allow the use of professional judgement in identifying and evaluating karst aquifers. The rationale for evaluating a karst aquifer should be supported by site-specific and regional geologic references.

SPECIFIC CONSIDERATIONS OF KARST IN THE HRS

The factors that are potentially impacted when karst is present are listed in Exhibit 1. The following discussion summarizes how the affected factor values are adjusted when karst is present.

Likelihood of Release

The adjustments in the likelihood of release to the potential to release factor value show that contaminants move rapidly through a karst aquifer.

Depth to Aquifer

In evaluating the depth to aquifer factor value for a site located in karst terrain, assign a thickness of 0 feet to a karst aquifer that underlies any portion of the sources at the site.

Travel Time

The HRS gives special consideration in the travel time factor value by stating that "[if], for the interval being evaluated, all layers that underlie a portion of the sources at the site are karst assign a value of 35."[1] If the entire interval[3] is not karst, continue the evaluation for the "Other Than Karst" layers. Assign a thickness of 0 feet to a karst layer that underlies any portion of the sources at the site.

Waste Characteristics

The adjustment to the waste characteristics mobility factor value shows that contaminants may move more rapidly in solution channels, or other karst features, than through a non-karst aquifer.

Mobility

The Superfund Chemical Data Matrix[4] (SCDM) gives mobility values for chemicals in karst and non-karst

settings. Use the value given in the "karst" column if the entire interval from a source at the site to the aquifer being evaluated is karst. If karst is present in the interval, but the entire interval is not karst, use "non-karst" values given in SCDM.

When using HRS Table 3-8 to assign a mobility factor, use the distribution coefficient category "karst" if the entire interval from a source at the site to the aquifer being evaluated is karst. If karst is present in the interval, but the entire interval is not karst, use "non-karst" values given in the table.

Targets

Adjustments in the evaluation of targets show that the individuals drinking water from a karst aquifer can be exposed to higher concentrations of contaminants than they would be if they were drinking from other aquifer types.

Nearest Well

If none of the target drinking water wells is subject to level I or level II concentrations for the aquifer and if one of the target aquifer is a karst aquifer that underlies any portion of the sources at the site and if any well draws drinking water from this karst aquifer within the TDL, assign a value of 20 for the nearest well factor for the aquifer.

Population

For potentially contaminated drinking water populations, use the "Karst" portion of HRS Table 3-12 to assign values only for that portion of the target population served by points of withdrawal of drinking water from a karst aquifer that underlies any portion of the sources at the site. Continue the evaluation with use of "Other Than Karst" values from HRS Table 3-12, applied to the remainder of the target drinking water population.

QUESTIONS AND ANSWERS

Q:

Are surficial features of karst, such as sinkholes, springs, and disappearing streams, necessary to establish the presence of an underlying karst aquifer?

A:

No. A karst aquifer may exist at such a depth that surface features do not exist. Consideration of an aquifer as karst does not require surface features.

Q:

Are surficial features of karst sufficient to document the existence of a karst aquifer if found at or very near a source?

A:
Usually. Although these features may be absent in the case of karst existing at depth, the presence of sinkholes and other surficial features is indicative of karst. However, in the western United States, lava tubes, fissures, open sinkholes, and caves have been formed by extrusion of the still-liquid portion of cooling lava. These surface features may bear a resemblance to karst. "Sinkholes" in lava generally lack the symmetry of those developed in solution terrain.
Q:
Can a non-karst area riddled with mining shafts or lava tubes be evaluated as karst?
A:
No. These features may, however, be adequate to document aquifer interconnection, which may lead to a higher site score.
Q:
Does the presence of a limestone aquifer necessarily mean that the aquifer is karst?
A:
No. The area must either show surficial karst expression or the aquifer must have karst features.
Q:
Can the existence of a karst formation lying between two non-karst
for
mations be used to document
interconnection between the aquifers above and below the karst layer?
A:
Not necessarily. It still should be shown that the hydraulic conductivities are less than two orders of magnitude between each formation. For example, karst features can actually channel water horizontally and stop vertical migration.
Q:
When some of the individuals within the TDL are obtaining water from a surficial karst portion of an aquifer, but others are obtaining water from a non-karst portion, how are the targets evaluated?

A:
The two sets of targets are evaluated separately and then added together. Use the karst portion of HRS Table 3-12 to assign values for the population that

obtains water from an eligible karst aquifer. The remaining non-karst water-drawing population is assigned a value from the "other than karst" portion of HRS Table 3-12. These values are then assigned to the potential contamination formula in HRS section 3.3.2.2.

Q:

A karst aquifer found 2.1 miles away from a source is proven to be interconnected with an aquifer underlying the source. Can the aquifer beneath the site be evaluated as karst? What if the interconnected karst aquifer is found 1.5 miles from a source?

A:

At greater than 2 miles, interconnection is not used in scoring a site, so distant karst formations are not relevant to site evaluation. At less than 2 miles, an interconnected karst aquifer that is used for drinking water is evaluated as karst only if that karst aquifer underlies a source on the site.

REFERENCES

1.

40 C.F.R., Appendix A (1997).

Hazard Ranking

System; Final Rule

. 55

FR

51582.

2.

U.S. Environmental Protection Agency, November,

1992.

The Hazard Ranking System Guidance Manual.

Interim Final. Office of Solid Waste and Emergency

Response. Directive 9345.1-07, pp. 137 to 146.

3.

U.S. Department of the Interior, U.S. Geological

Survey, 1986.

National Atlas of the United States of

America

, "Engineering Aspects of Karst," Map with

Narrative.

4.

U.S. Environmental Protection Agency, June, 1994.

The

Superfund Chemical Data Matrix (SCDM).

Office of

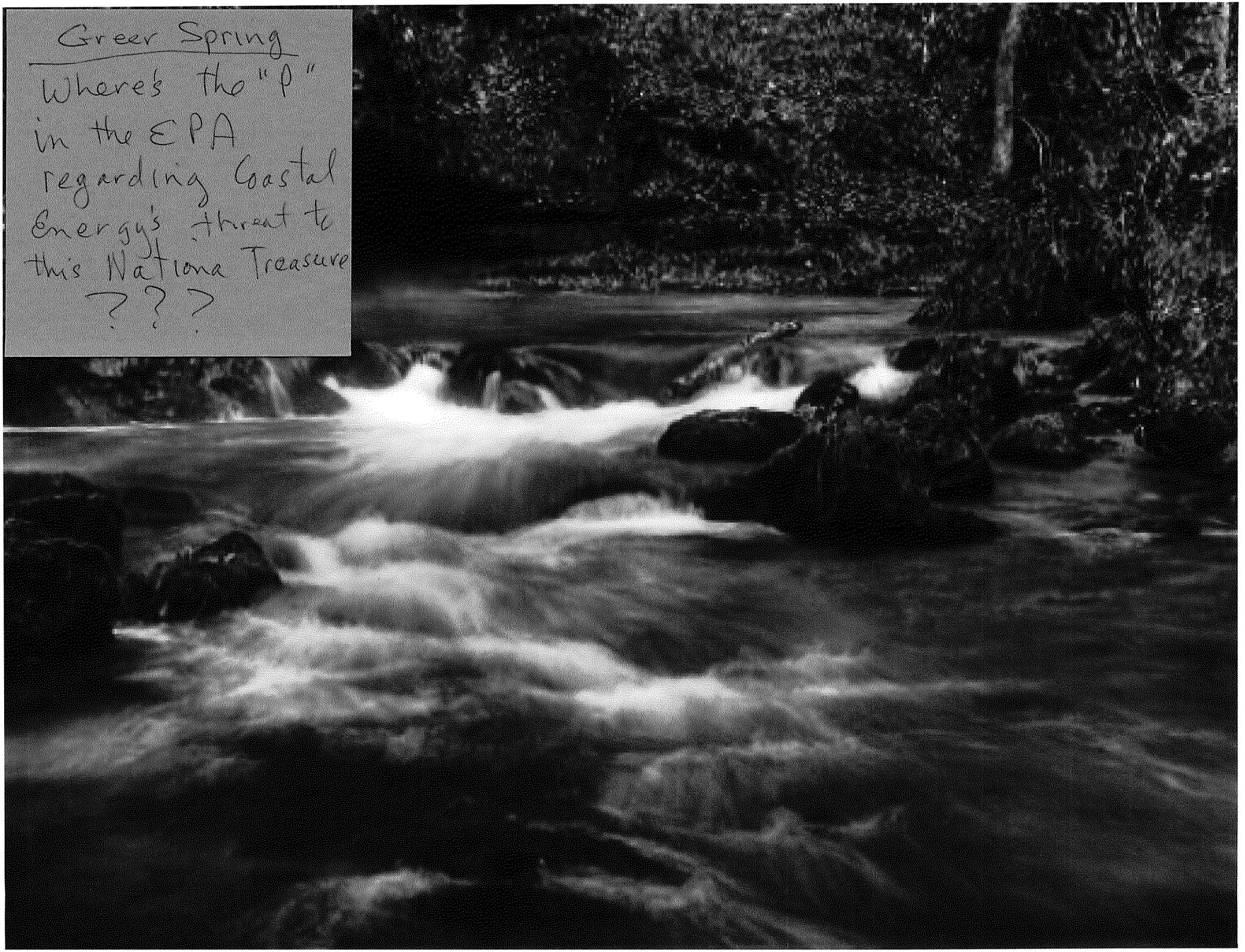
Solid Waste and Emergency Response. Directive

9360.4-18.

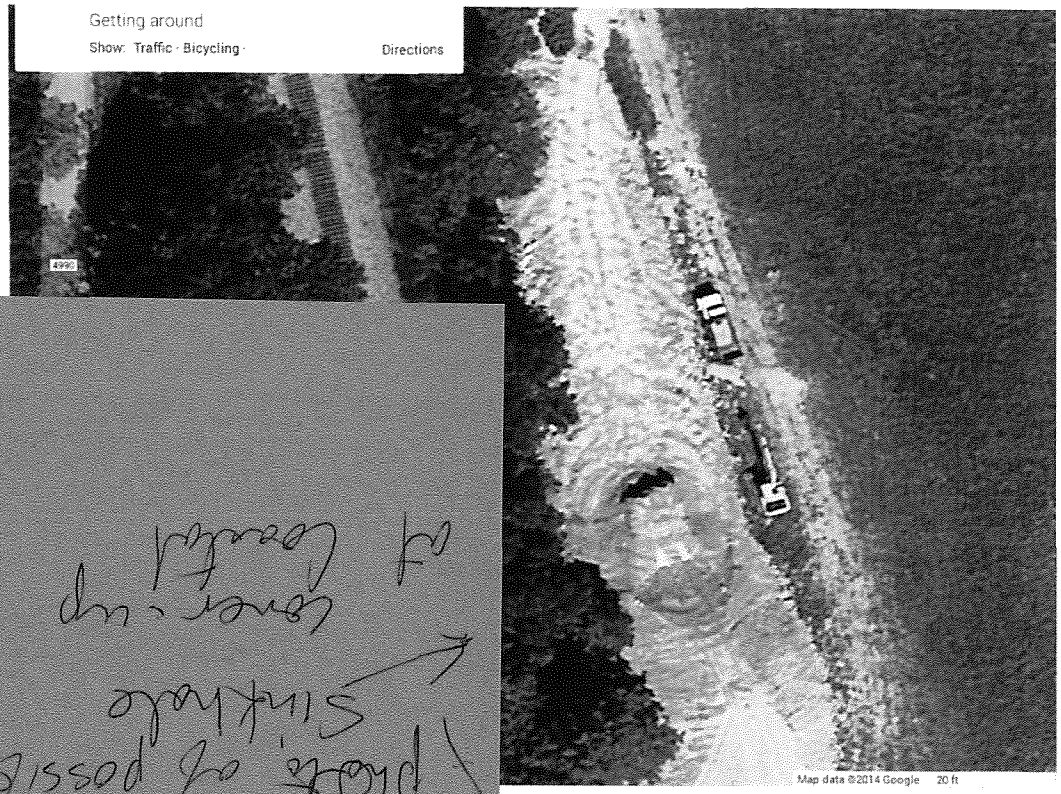
Sinkholes in Missouri

MISSOURI DEPARTMENT OF NATURAL RESOURCES
Division of Geology and Land Survey

X marks Coastal's location in a field of sinkholes. The Eleven Point River there is a losing stream that dye traced to Greer Spring in 1975.


Greer Spring
Where's the "P"
in the EPA
regarding Coastal
Energy's threat to
this National Treasure
???

Getting around
Show: Traffic · Bicycling · Directions



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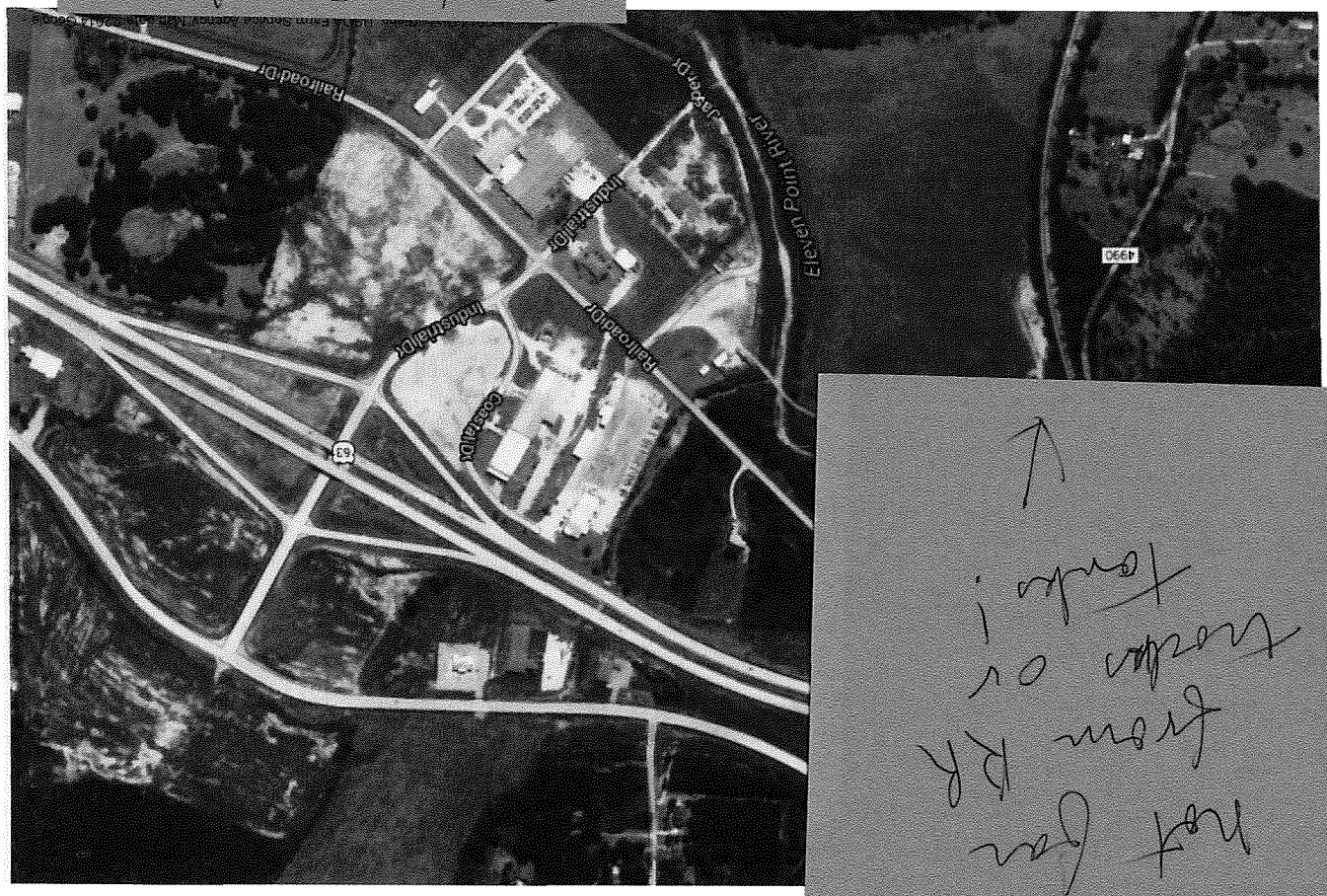

University of Missouri Extension

WQ678, New October 1995

Reducing the Risk of Groundwater Contamination by Improving Petroleum-Product Storage

Farm•A•Syst: Farmstead Assessment System Fact Sheet #4

This publication is included when you order MU publication WQ654, Assessing the Risk of Groundwater Contamination From Petroleum Product Storage, the worksheet that corresponds with this fact sheet.

Storage tank location

The most important aspect of the location of your liquid-petroleum storage tank is how close it is to your drinking-water well. State well-driller regulations (RSMo 256.600) require petroleum storage tanks be located at least 300 feet from a drinking-water well. Minimum separation distances regulate only new-well installation. Existing wells are required to meet only separation requirements in effect at the time of well construction. Make every effort, however, to exceed old regulations and strive to meet current regulations whenever possible.

Although diesel fuel and fuel oil are more dense than gasoline and move more slowly through the soil, they eventually will reach groundwater.

Every site has unique geologic and hydrologic conditions that can affect groundwater movement. How quickly the petroleum product reaches groundwater also depends upon local soils. The more porous the soil (sands and gravels, for example), the faster the rate of downward movement to groundwater. You may put a new tank more than 300 feet away from your well to provide reasonable assurance that subsurface flow or seepage of contaminated groundwater will not reach your well. If possible, you should place the tank downslope from the well. Figure 1 illustrates petroleum product seepage into soils.

If you have an above-ground tank, follow existing regulations for underground storage tanks as a guide. To protect against explosion and fire, do not put tanks (especially above-ground tanks) closer than 50 feet to existing buildings. Previous regulations for placing above-ground storage tanks were concerned more with the explosion potential of tanks than the groundwater pollution potential. State agencies have revised above-ground storage-tank regulations to better protect groundwater.

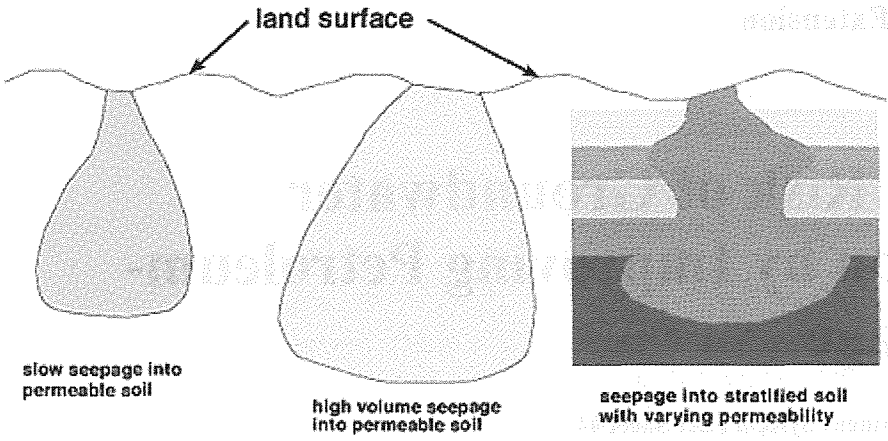

Figure 1
Petroleum product seepage into soils. Source: *Underground Tank Corrective Action Technologies,* EPA/625/6-87-015, January 1987.

New storage-tank location

Along with maintaining adequate distance from your drinking-water well, choose a location for a new tank based on the following considerations:

- **Soil characteristics**
  Highly corrosive clays, wet soils, cinders and acid (low pH) soils can significantly speed up the rate of corrosion of underground metal tanks and piping. Using clean backfill during installation can decrease the negative effects of surrounding soils.
- **Soil stability**
  Assess the ability of underlying soil to support both underground and above-ground tanks. For special tank locations, such as hillsides, properly anchor and hold tanks in place. Be sure pipes cannot twist or break if the tank is bumped or disturbed. Regardless of soil conditions, put above-ground tanks over an impermeable liner made of concrete or one of the newer synthetic fabrics. Build a collection device for spills.
- **Current and previous land use**
  Sites that contain abandoned pipes and tanks, agricultural drainage tiles or waste materials pose special installation problems. Any metal already in the ground at your chosen site will increase corrosion rates for the new tank.
- **Traffic**
  Assess traffic patterns around the tank. Determine if the location of the tank or dispenser will block movement of farm vehicles during refueling or cause special problems if any work needs to be done on the tank. Protect piping from collisions with farm and fuel vehicles.
- **Depth to groundwater**
  Floodways or areas where the water table is close to the surface are poor locations for storage tanks. Tanks placed in such areas require special installation. To reduce pollution potential, you may prefer an above-ground tank to an underground tank.

Tank design and installation

Whenever you install a fuel-storage tank, carefully follow the manufacturer's recommended practices for installation. Proper installation is one sure way to minimize leakage potential of the tank or the piping connected to it. Even scratches in a metal tank caused by careless installation can increase corrosion and tank deterioration.

Underground tanks

All new underground petroleum storage tanks and related piping must be constructed of nonmetallic materials such as fiberglass or have corrosion protection. Corrosion protection includes interior liners and **sacrificial anodes**.

A **sacrificial anode** is a special material connected to the tank with a greater tendency to corrode than the tank material. The anode will typically protect the tank for up to 30 years. Interior liners are made of noncorrosive synthetic materials and also can be effective in protecting metal tanks.

All new underground storage tanks should have some kind of spill protection. This typically consists of a catch basin for collecting spills when the tank is filled. Overfill protection warns of or prevents overfill with an automatic shut-off or buzzer. Spill and overfill protection are important; they can prevent a number of small releases over a long period of time from polluting the groundwater.

Above-ground tanks

State regulations for above-ground tank installation seek to reduce the potential for both pollution and fire. Requirements include enclosing the tank within a secure 6-foot fence or well-ventilated building of noncombustible material and constructing a fire wall between the fuel-dispensing area and the tank.

To decrease pollution potential, place farm tanks within a secondary containment structure consisting of a dike and a pad. All piping should be above ground within the dike or may go over the dike wall, but below-ground piping must be within 10 feet of the dike wall. Above-ground piping must be made of steel and coated to prohibit corrosion. Below-ground piping may be either steel or fiberglass. Steel tanks must be coated and cathodically protected.

Monitoring

Regulations for new underground tanks require that all tanks have a method of detecting leaks. Select the tank location carefully to ensure ease of installation and reliability of chosen leak-detection methods. Test the tank periodically for leaks, and measure the tank inventory on a monthly (or more frequent) basis to detect leaks before major problems develop.

Because cleanup of gasoline leaks is always costly and often not totally effective, it is important to constantly monitor underground tanks containing petroleum products.

If you already have a petroleum storage tank on your farm, know the age of your tank and establish a leak-detection program. Figure 2 shows how groundwater can be contaminated by underground tanks.

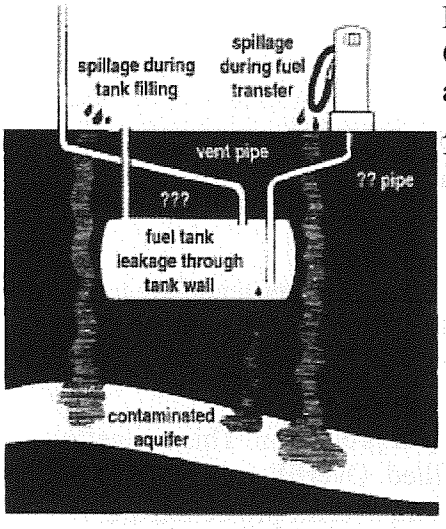

Figure 2
Contamination of groundwater due to improper fuel storage and transfer. Source: *Handling and Underground Storage of Fuels,* Cooperative Extension Service, Michigan State University, Extension Publication WQ1. Reviewed February 1986.

Because most tanks used on farmsteads are bare steel, tank corrosion or piping problems will cause leaks sooner or later. If your tank is more than 20 years old, or if you don't know its age, make a special effort immediately to determine whether leaks exist.

You can test tank integrity through such methods as precision testing/tightness testing and volumetric analysis. State regulations prohibit some other testing methods. Air-pressure testing, for example, is prohibited if a tank has ever contained product.

Ask for a list of approved tank-testing methods and suppliers' phone numbers from the Missouri Department of Natural Resources (DNR) at 573-751-7428.

Even when a tank has been tested and proven tight, existing regulations and good practice require that you have a method for regularly detecting leaks.

Install such internal or external monitoring methods as groundwater monitoring wells, vapor monitoring, automatic tank gauging or other approved methods.

Measuring tank inventories is an inexpensive and easy way to help detect leaks. Leaks exist when there is any decrease in level over time without any withdrawal of fuel, or if there's an increase in water in the tank. Although inventory measurement will not detect small leaks, it will provide a warning that further investigation may be necessary.

If you use a measuring stick to measure tank liquid level, be sure that the stick does not puncture or damage the bottom of the tank.

The closer the tank is to the farmstead's drinking-water well, the more important it is to ensure that an adequate leak-detection system is in place.

Leaks and spills

If you find a leak or spill from any tank — whether it be above or below ground, or even a vehicle-mounted tank — state law requires that you notify the 24-hour hotline of the DNR at 573-634-2436 or your local DNR office. Take whatever actions are necessary to remedy the problem, according to recommendations you receive when you report the spill or leak.

The DNR, Division of Environmental Quality, administers the Underground Storage Tank Insurance Fund, which can reimburse participating tank owners for a substantial percentage of costs incurred in cleaning up a problem for federally regulated tanks or home-heating fuel tanks. For more information about the fund, call the DNR at 573-751-7428. Residential and farm vehicle-fuel tanks with less than 1,100-gallon capacity are not federally regulated and therefore are not eligible for this assistance.

Tank closure

Tanks no longer in use can cause problems for owners and operators many years later. They will continue to corrode and, if they still contain gas or oil, will likely contaminate groundwater.

Try to find unused tanks on your property. Also, try to find out whether the tanks still hold product or have holes. You must pull these tanks from the ground and dispose of them in a landfill or at a scrap dealer.

State law requires that certified individuals pull a tank. Before pulling a tank, always notify your local fire department at least one month before you have the tank pulled to ensure that precautions are taken to prevent an explosion or other problem. Deaths have occurred because of improper closure.

If you are concerned that your unused tank has been leaking, consult an environmental engineer or DNR investigator to determine if further investigation is warranted. If there is groundwater pollution in your area, your neighbors will be sure to suspect the tank as its cause. The DNR also has regulatory authority to investigate potential pollution situations and recover costs from responsible parties.

You should document steps you take to legally close your tank — including notifying the DNR, Division of Environmental Quality, that the tank has been closed — so that you are protected from legal action in the event of groundwater problems.

Contacts and references

Tank registration, reporting closure and changes in tank ownership

- DNR, Division of Environmental Quality, P.O. Box 176, Jefferson City, Mo. 65102 573-751-7428.

EPA regulations

- Environmental Protection Agency (EPA) Region VII Underground Tank Program Coordinator or DNR, P.O. Box 176, Jefferson City, Mo. 65102.

Petroleum product spills

Your DNR regional office:

- Kansas City Regional Office
  816-353-5001
- Macon Regional Office
  816-385-2129
- Jefferson City Regional Office
  573-751-2729
- St. Louis Regional Office
  314-849-1313
  Springfield Regional Office
  417-895-6950
- Poplar Bluff Regional Office
  573-785-0832
  573-785-0833

Health effects of gasoline-contaminated groundwater

- Missouri Department of Health, Section of Epidemiology
  573-751-6102.

What to read about

- Publications are available from sources listed at the end of the reference section. (Refer to number in parentheses after each publication.)

Tank design, installation and site selection

- *Site Assessment Guidelines.* Missouri DNR, Division of Environmental Quality. (1)
- *The Interim Prohibition: Guidance for Design and Installation of Underground Storage Tanks.* U.S. EPA. EPA/530-SW-85-023. Longer document, contains technical information. (2)
- *Tank Installation Perspectives: Underground Tank Technology Update,* volume 1, number 3. 1987. University of Wisconsin-Madison, College of Engineering. (3)

Petroleum-product storage and handling

- *Handling and Underground Storage of Fuels.* 1986. Cooperative Extension Service, Michigan State University. Extension Bulletin WQ1. (4)

Tank regulations, financial responsibilities

- *Musts for USTs: A Summary of New Regulations for UST Systems.* U.S. EPA. (2)
- *Dollars and Sense: A Summary of Financial Responsibility for UST Systems.* U.S. EPA. (2)

Tank testing

- *A List of Approved Tank-Testing Systems.* Missouri DNR, Division of Environmental Quality. (1)

Tank closure

- *Tank Abandonment and Closure.* Missouri DNR, Division of Environmental Quality. (1)

Publications available

- Missouri DNR, Division of Environmental Quality Underground Storage Tank Coordinator, P.O. Box 176, Jefferson City, Mo. 65102
  573-751-3241.
- U.S. EPA, 401 "M" St., S.W., Washington, D.C. 20460.
- UW-Madison, College of Engineering, Madison, Wis. 53706.
- Michigan State University Cooperative Extension Service.

The Missouri Farmstead Assessment System is a cooperative project of MU Extension; College of Agriculture, Food and Natural Resources; and the Natural Resources Conservation Service.

The National Farmstead Assessment Program provided support for development of the Missouri program. These materials are adapted from the Wisconsin and Minnesota prototype versions of Farm•A•Syst.

This material is based upon work supported by the Extension Service, U.S. Department of Agriculture, under special project number 91-EHUA-1-0055 and 91-EWQI-1-9271.

Adapted for Missouri from material prepared by Susan Jones, U.S. E.P.A., Region V, Water Division, and University of Wisconsin Cooperative Extension.

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Technical review provided by August Timpe, Missouri Department of Natural Resources; Charles Fulhage, MU Department of Agricultural Engineering; U.S. E.P.A. Region VII, Environmental Sciences Division; and Missouri Natural Resources Conservation Service.

WQ678, new October 1995

Related MU Extension publications

- WQ654, Assessing the Risk of Groundwater Contamination From Petroleum Product Storage
  http://extension.missouri.edu/p/WQ654

Order publications online at http://extension.missouri.edu/explore/shop/ or call toll-free 800-292-0969.

UNIVERSITY OF MISSOURI Extension

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September 24, 2015

Re: **EPA Docket No. CWA-07-2015-0054**

Dear Kathy Robinson
Regional Hearing Clerk
Region VII EPA
11201 Renner Boulevard,
Lenexa, KS 66219

Ms. Robinson,

This is meant to be an addendum to my comments on the Coastal energy/EPA Settlement Agreement. An EPA pamphlet on oil spills so states: **"Preventing oil spills is the best strategy for avoiding potential damage to human health and the environment."-**From an EPA pamphlet on OIL SPILL CONTINGENCY PLANNING. This flies in the face of the proposed Settlement Agreement. This paper discusses the theory of protecting water and then the REALITY. Missouri's motto:"Let the Welfare of the People be the Supreme Law and Theodore Roosevelt's promulgation at Osawatomie, Kansas in 1910:"The object of good government is the welfare of the people." The realities of the past few years seem to negate the theory!

The MDC pamphlet titled: "Why Watershed Conservation?" is based on an EPA pamphlet that dates to 2001. All these pretty words in both documents are made hollow by this Coastal/EPA Settlement agreement. In short the EPA's words are inconsistent with their deeds-something, by the way, Pope Francis just mentioned to the joint session of Congress! Is the EPA considering the welfare of the people and the environment or simply the health and welfare of Coastal Energy CEO, David Montgomery's pocket book??? This Settlement Agreement not only is inadequate factually but has the vague odor of inadvertent or deliberate corruption.

Sincerely,

[redacted]

[redacted]

Mountain View, Mo. 65548

Theory:

"The object of good government is the welfare of the people"
-President Theodore Roosevelt August 1910 at Osawatomie, Kansas

"Salus Populi suprema lex esto –Let the welfare of the people be the supreme law"
Missouri State Motto

Missouri Three National Scenic Rivers are "federally protected".

The Public trust Doctrine:

July 16, 2009

Water Resources & the Public Trust Doctrine: A Primer

by Yee Huang

•

This is the first of four posts on the application of the public trust doctrine to water resources, based on a forthcoming CPR publication, Restoring the Trust: Water Resources and the Public Trust Doctrine, A Manual for Advocates, *which will be released this summer. If you are interested in attending* ***a free web-based seminar*** *on* ***Thursday, July 30, at 3:00 pm EDT****, please contact CPR Policy Analyst Yee Huang, or register here.*

While the United States has a strong private property system, that system is a product of common property ownership of certain resources. Doubtful? For centuries, people have enjoyed public access to resources such as the ocean, certain bodies of water, tidewaters and tidal lands, shorelines, and most sensibly the air. Much of the commerce during the foundational years of the United States depended on common, public access to rivers for transportation of goods. Imagine the hassles if a ship had to negotiate passage through each privately owned section of a river!

In legal terms, this idea of common property ownership is captured in the *public trust doctrine*, **a legal doctrine imported from ancient Roman and English law and common to many cultures around the world.** The doctrine holds that certain water-related natural resources belong to all and cannot be privately owned or controlled because of their overwhelming importance to each individual and society as a whole. Similar to any legal trust, the public trust doctrine has three primary components: the *trustee*, the *trust principal*, and the *beneficiaries* of the trust. In the public trust framework, the *state* is the trustee, which manages *specific natural resources* – the trust principal – for the benefit of *present and future generations* – the beneficiaries.

In its traditional form, the doctrine only encompasses navigable water resources – larger bodies of water that historically accommodated commerce and transportation. As a result, the

traditional doctrine ignores many surface water resources and groundwater. **Yet these latter resources also provide vital public benefits, including drinking water and recreational, environmental, and aesthetic needs.**

-Under the Magna Carta in 1215, the British Crown was prohibited from transferring the valuable coastal fisheries to private lords because the sea beds belonged to the people. This is what we now call the **Public Trust Doctrine**
-Because many citizens are not aware that the public trust doctrine is part of their bundle of rights in our democracy, many of our leaders and big business are ignoring and violating these principles.

"Preventing oil spills is the best strategy for avoiding potential damage to human health and the environment."-From an EPA pamphlet on OIL SPILL CONTINGENCY PLANNING

Reality:
Theory gets trumped by men with dollar signs for eyeballs

"Arising primarily from statutes passed in the 1970s, the field of environmental law stands as a failed legal experiment. The administrative state vests agencies with breathtaking power that came justified by one simple assumption: officials will deploy public resources and invoke their technical expertise *on behalf of the public interest*. Instead, too many environmental agencies today use their power to carry out profit agendas set by corporations and singular interests."
-Mary Christina Wood, "Nature's Trust"

No federal or state agencies acted to prevent these environmental disasters:

-Poudre Wild and Scenic River in Colorado polluted by ruptured crude oil tank.

-South Prong of the Jacks Fork River bulldozed and rerouted by Texas County in 2004 without a 404 permit was not resolved by the Region VII EPA until 2008 with a meager $35,000 fine. The damage was done and four years of non-action allowed tons of gravel and soil enter and pollute the stream.

-In 2014 Charleston, West Virginia and environs drinking water for over 300,000 people polluted for months by Freedom Industries tank leak into drinking water intake.

-Shortly before 1 a.m. on Dec. 22, 2008, a dike holding back an 84-acre pond of wet coal ash at the Tennessee Valley Authority's Kingston plant near Harriman, Tenn. ruptured and collapsed following weeks of heavy rains. A billion gallons of muddy, gray coal ash loaded with arsenic, lead and other contaminants poured across the nearby Emory River to the neighborhood along Swan Pond Road.

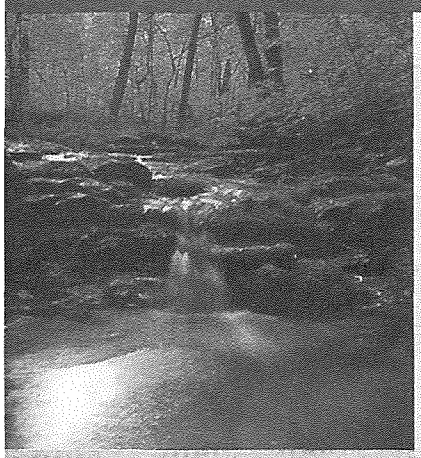
-Kalamazoo River oil pipeline leak took days before the State of Michigan even knew about the leak. It has since been five years and one billion dollars and it is still NOT cleaned-up.
Other leaking Pipelines have polluted other river such as the Yellowstone and Upper reaches of the Missouri.

-BP Gulf Oil drilling leak and ruination of the Gulf of Mexico's water quality, and the economic disaster for the fishing and tourist industries.

-2012 to present. Numerous Bakken shale oil "train bombs" have been derailing almost daily and almost always ending up in various rivers.

All too often the state and federal response has been slow in coming and almost always inadequate, seeming to favor the guys with the biggest dollar sign for eyes.

Why Watershed Conservation?



Watershed Resources Fact Sheet Series

The Watershed Approach

A watershed approach is a coordinating framework for environmental management involving diverse stakeholders and using sound science to focus resources on high priority issues within areas defined by their water system. A successful watershed approach promotes collaboration and communication between stakeholders with a variety of perspectives, from habitat preservation to hydropower generation. This fact sheet provides an outline of the watershed approach–a blueprint for watershed management.

These fact sheets address the effects of typical development on water resources and outline the steps a community can take to reduce the impacts of development. Few communities are alone in a watershed. Instead, they are affected by the activities of adjacent political jurisdictions–upstream or downstream, uphill or downhill–in a common watershed.

Unless issues are addressed together on a watershed basis, efforts will only have limited effects. Community officials are learning to look at their waterways as an interconnected system and recognize the need to work with their watershed neighbors and find comprehensive solutions that meet all their needs. Preventing negative impacts in the first place is the most effective (and cost effective) approach and should always be emphasized.

What Are the Impacts of Development?

When development occurs, the resulting alteration to the land can lead to dramatic changes to the hydrology, or the way water is transported and stored. Development generally brings an increase in impervious surfaces–parking lots, roads, roofs, compacted soils or any surface that prevents the natural penetration of rainfall into the ground. Impervious surfaces and compacted soil associated with development create a barrier to the percolation of rainfall into the soil, increasing surface runoff and decreasing groundwater infiltration. This disruption of the natural water cycle leads to a number of changes, including:

- increased volume and speed of stormwater runoff;
- increased frequency and severity of flooding;
- peak (storm) flows many times greater than in natural basins;
- loss of natural runoff storage capacity in vegetation, wetland and soil;
- reduced groundwater recharge; and
- decreased base flow, the groundwater contribution to stream flow.

As more stormwater gushes into streams, over land or through stormwater systems, streams become deeper, wider and straighter. This rapid flush of water tears away streamside vegetation, fills important habitat with sediment and causes extreme temperature fluctuations, killing aquatic species unable to survive in the harsher conditions. With less groundwater, normal seasonal low flows become lower or non-existent, further limiting plant and wildlife survival.

Water is the force of life that binds a community and a landscape with rivers, streams and watersheds. Getting to know and understand your local watershed is important to land use, as well as natural resources. This series of fact sheets is designed to help you learn about water issues in your community–water quality, development impacts, stormwater and waterway habitat–and to live in harmony with water resources.

Missouri Watersheds

- Missouri
- Mississippi
- White
- St. Francis

Nested within these watersheds or basins are smaller watersheds, often referred to as sub-basins.

As stormwater flows across the land it picks up pollutants. These pollutants (called nonpoint source pollution because they are not from a single source) include pathogens from animal waste, nutrients from fertilizers, sediment from development sites, toxic contaminants like motor oil and debris. In most natural areas, the vegetation, wetlands and soil filter out pollutants as water percolates through to groundwater. Nearly 75 percent of Missouri's counties contain karst areas where water has dissolved rock to form sinks, underground streams and caverns. In karst, pollutants are not always filtered out by the soil. Fissures in the rock provide a direct path for pollutants to enter the groundwater and the pollutants may even travel through fissures to other watersheds. These groundwater expressways can speed pollutants to streams, lakes or groundwater. Contaminants in karst areas should be reduced or eliminated.

Without proper controls, the stormwater in developed and developing areas will carry pollutants directly into streams and lakes. There they contaminate fish, prevent swimming, kill aquatic life, destroy habitat and ruin our drinking water.

A Watershed Conservation Blueprint

Seven themes of watershed management are a blueprint for new efforts:

- ✳ increasing public education and awareness,
- ✳ developing new partnerships and coordinating efforts,
- ✳ collecting necessary information through monitoring and research,
- ✳ establishing appropriate plans and priorities,
- ✳ obtaining funding and technical assistance,
- ✳ implementing projects for solutions and
- ✳ evaluating the results.

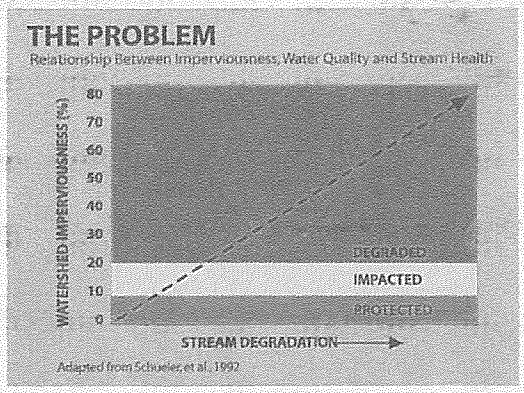
Public Education and Awareness

Citizens, businesses and governments need information to understand how watershed health and management activities can address watershed threats. Education programs create an awareness of the cumulative impact of individual decisions on watershed health. This understanding is a connection between individual decisions and the long-term quality of life. Programs also foster motivation to take necessary action.

Partnerships and Coordination

Effective partnerships and coordination form the cornerstone of all successful watershed efforts. Most partnerships include a range of watershed stakeholders, since they all have a vested interest in the actions and success of the effort. Broad stakeholder participation provides a greater base of knowledge, increases credibility, reduces duplication of effort and maximizes results from human and financial resources. Stakeholders include:

- ✳ Landowners and homeowners
- ✳ Elected officials
- ✳ Local, state and federal government agencies
- ✳ Agricultural organizations
- ✳ Business organizations
- ✳ Environmental organizations
- ✳ Recreational groups



If more than 20 percent of a watershed is made up of impervious surfaces (roads, roofs and parking lots), then the stream will be degraded.

- Student and senior citizen organizations
- Contractors and developers

Because of their divergent interests, trust and cooperation among stakeholders will take care and time to develop. Considering the opportunity for more effective resource use and better decisions, the investment is well worth the time and effort.

Monitoring and Research

Chemical, physical and biological characteristics provide measures of current water resource health and the effects of human actions, for better or worse. Water chemistry is the most common form of monitoring. Because of the time and money required, monitoring the physical characteristics (such as sediment or channel stability) and biological characteristics (such as the presence of sensitive macroinvertebrates or fish species) is less common now, but growing in usage.

Watershed research develops an understanding of how watersheds function. For instance, research provided confirmation of the role of impervious surfaces in the degradation of water resources (see above).

Significant gaps exist in both monitoring and research. Where gaps exist, analyzing trends, causes and effects becomes more difficult. Watershed practitioners need research and monitoring that focus on individual watershed projects, so the long-term effects of protection and restoration projects can be assessed. That information will also guide future projects, further improving watershed management effectiveness.

Plans and Priorities

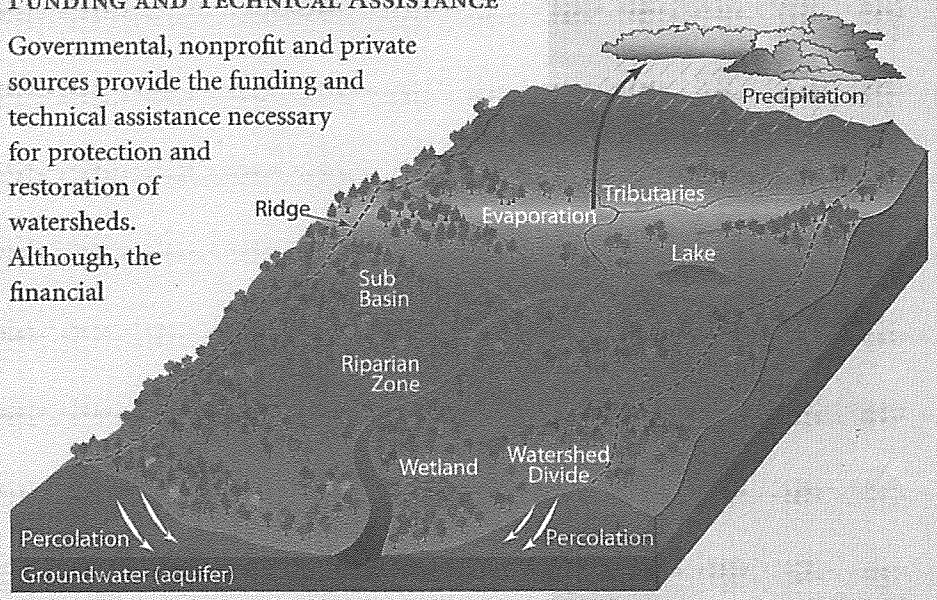
Planning and prioritization guide public and private action and, used well, ensure effective and efficient watershed management. Unified Watershed Assessments, conducted nationwide in 1998 and 1999, identified the watersheds most in need of restoration. These assessments considered impaired and threatened waters, federal and state endangered species and other data. Plans and priorities for watershed management activities should take these issues into consideration, along with a host of other concerns and goals–cultural, recreational, social and economic.

Watershed protection is more cost-effective and more likely to succeed than watershed restoration. Also, a restored natural system is rarely as diverse or ecologically valuable as one without damage. So, despite the seeming urgency of restoration work, protection must play at least an equally important role.

The tie between evaluation and planning cannot be overlooked. Goals and measurements must be coordinated closely with technical advisors to ensure success can be achieved and measured.

Funding and Technical Assistance

Governmental, nonprofit and private sources provide the funding and technical assistance necessary for protection and restoration of watersheds. Although, the financial



A watershed is an area of land that drains to a single body of water such as a stream, lake or pond. Few communities are alone in a watershed. Instead, they are affected by activities of adjacent political jurisdictions–upstream or downstream, uphill or downhill–in a common watershed.

resource possibilities and technical information sources can be overwhelming.

A key goal of watershed conservation is to distill this information, organize the resources and make it all readily available to local users through their governments. *Fact Sheet #5 How to Get Started* provides essential information on funding and technical assistance sources.

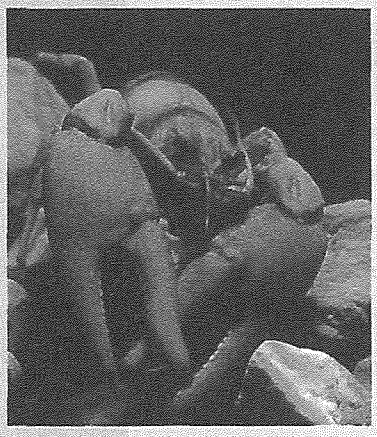
Implementation

The only aspect of a project more rewarding than implementation is seeing actual results. Depending on the plans and priorities, implementation may include a range of projects from pollution prevention to wetland restoration and critical habitat protection. Local planning and zoning decisions significantly affect watershed health. For that reason, this fact sheet series addresses the potential threats inherent in conventional development and some alternative approaches to development–critical factors in determining future watershed health.

Evaluation

Evaluation assesses the success of a project and guides future efforts. Effective projects are then repeated and less effective or unsuccessful projects and programs are eliminated or modified. The method of evaluation must be established as part of the planning process; modifications of the project or the measuring tool at the outset may be necessary to ensure accurate results are measured.

The factors affecting watershed health are complex, sometimes making cause and effect difficult to establish. The larger the size of the watershed, the more difficult it may be to establish a connection between actions taken and results or lack thereof. Technical members of or advisors to the watershed team can help guide decisions to ensure proper evaluation takes place.



Adapted from: U.S. Environmental Protection Agency Protecting and Restoring America's Watersheds: Status, Trends, and Initiatives in Watershed Management, June 2001.

Private Land Services
Missouri Department of Conservation
2901 W. Truman Blvd.
P.O. Box 180
Jefferson City, MO 65102-0180
Phone: (573) 751-4115
Fax (573) 522-1791
www.conservation.state.mo.us

[redacted]
Doniphan, MO 63935

September 15, 2015
Dear Kathy Robinson
Regional Hearing Clerk
Region VII EPA
11201 Renner Blvd.
Lenexa, KS 66219

Please consider the following comments in reference to **CWA-07-2015-0054**:

The Eleven Point National Scenic River, part of the Wild and Scenic River System, is due the highest level of water quality protection from both state and federal agencies. The Outstanding National Resource Waters Antidegradation Policy classifies the Eleven Point as Tier Three Waters-no degradation of water quality is allowed. **10 CSR 20-7.031(2)**
If the water quality of the Eleven Point is compromised the entire region will suffer economic hardship.

1. A thorough hydrogeological evaluation should have been done before any projects such as Coastal's tanks which can affect land surface stability and groundwater quality. These tanks are located within the 100 year flood plain of the Eleven Point River. These waters must not be degraded. It is the law. The total disregard for the purity of the areas water resources is unacceptable. If a leak of any of Coastal's products gets into the aquifer, what could be done to clean it up? They could not be dug up and would persist for decades. Water wells for miles downstream would be useless. Who would pay for private wells?
2. Evaluating Karst Geology Using the Hazard Ranking System, EPA publication **#9320.8-02FS.** Was this paper taken into consideration when evaluating Coastal's location?
3. Missouri Department of Natural Resources, Coastal Energy Rail Spur-Howell County Map, dated December 6, 2010 shows ten known sinkholes within a mile of the tanks, not including the two sinkholes that were filled in out in the field just south of the tank area. **This location is probably the worst place to put any petroleum products. The karst in the area is extensive, with a known sinkhole/cave just south of the tanks that has**

running water passing through. Coastal's owner is also the owner of this cave. He should know about water traveling from this area and surfacing at Greer Spring, Missouri's second largest, 34 ½ miles away. Google Earth pictures show sinkholes just southwest of the tanks, very near the Burlington Northern Santa Fe Railroad track. These sinkholes have been filled in; a large trackhoe and dumptruck are visible. This attempt to cover up the problem is just that, an attempt. Sinkholes grow bigger; any cover up is just that. Vibrations from passing trains can cause more problems in the future. The sinkholes will reopen. Sinkholes grow bigger just as the conduit system that feeds our many springs grows daily. Are the tanks sitting over one of these caves? Will the weight of 2.8 million gallons of products (22, 722,240 pounds) someday cause a collapse? Will the weight of our recent heavy rains cause a problem for Coastal's containment area? This area is where the three illegal drainage pipes were discovered in the July 2014 inspection. How long have these pipes been draining uninspected storm water? Have these pipes been removed or just capped off?

4. EPA Facility Inspection 2/18/2014 report states that Coastal Energy has been in operation since 2002. Why has a FOIA found no permits older than 2009? Has Coastal been operating all these years without permits, without inspections, and without proper emergency planning? Has the Community Right to Know Act been followed? Were area residents informed of the toxic nature of the vented gases from Coastal's tanks? Have air monitors been installed to check what residents are breathing?
5. The lack of sized secondary containment for 24 of 37 bulk storage tanks is not acceptable. Any one tank leak is one too many. The products are supposed to stay in the tanks, not on the ground. No sized containment around the tanks means it is on the ground. No matter how large the berm around the property is, the only way containment could be guaranteed is if the tanks were outside of the 100 Year Flood Plain, outside the karst valley where the tanks are located, and outside the Eleven Point River watershed.
6. Google Earth pictures show the road leading from the tanks to the maintenance area goes through the riverbed with riverbed disturbance. No permit was issued by the Army Corps of Engineers for this disturbance. Coastal's disregard for the law is unacceptable.
7. Propane is a "hazardous chemical" and requires an Emergency & Hazardous Chemical inventory Form. No submitted form for 2013 was received. How about 2012, 2011, 2010, 2009, 2008, 2007, 2006, 2005, 2004, 2003, and 2002? Where are these forms? There has been a total lack of paperwork and records from this facility. No Facility Response Plan until EPA cited Coastal for violations. There was a total of 20

noncompliance and violations in reference to the Spill Prevention Control and Countermeasure Plan. Each violation should have the $27,500 per day fine.

8. As per settlement, the five largest asphalt tanks and the ethanol containment area will have enhanced monitoring installed. This leaves 22 tanks without "state of the art" monitoring that should have been installed when the tanks were built. I suppose the only tanks to leak will be the ones with warning systems.
9. What's to say the worst case discharge could be a fire that engulfs one ethanol tank when a trucker causes a crash? One tank dominoes into the whole complex of ethanol tanks. The resulting explosion and fire spreads to the preheated asphalt tanks. The explosion weakens the cave roof that underlies the tanks, and the burning, black mass flows into the newly opened sinkhole like a volcano in reverse. This **could** happen at this location.
10. The total disregard of law at Coastal is evident. Between the EPA inspections this facility could have been brought into compliance with the 20 violations. Instead the violations went uncorrected. It seems the company must be forced to do what is mandated. For these many reasons, this draft settlement with Coastal Energy Corporation is an inadequate response to the illegal behavior and total disregard of regulations practiced at Coastal. The only way the Eleven Point River and the regions water supply would really be protected is if the tanks are removed from this location. Too much could go wrong here.

Once contaminated it is almost impossible to restore water quality. The Kalamazoo Rivers Enbridge Superfund site has cost in excess of $1.2 Billion for surface cleanup of the 843,000 gallons of crude oil that tainted the 35 miles of river near Marshall, MI. How much would it cost to clean up the conduit system that feeds the regions water supply and Greer Spring 34 ½ miles away from Coastal. Who would pay for this "accident waiting to happen"?

Sincerely,

[redacted]

Downstream Resident
Eleven Point Stream Team #371

September 23, 2015

Dear Kathy Robinson,
Regional Hearing Clerk
Region VII EPA
11201 Renner Blvd.
Lenexa, KS 66219

Please consider the following comments in reference to **CWA-07-2015-0054:**

Coastal Energy should never be permitted to operate the tank farm with hazardous products on fragile karst topography within 200 feet of the losing stream section of the headwaters of the Eleven Point National Scenic River in Willow Springs. They have been in operation at that location since 2002 and no permits have been found prior to 2009. Perhaps they operated without permits for years.

Recent dye trace studies have enlarged the recharge zone for Greer Springs. A spill or accident could contaminate the groundwater for miles around. Since much of the water is underground in this karst topography, it could not be cleaned up. If there is an accident, a large area of Missouri would lose its pristine waters and tourist income. This location is probably the worst place to put any petroleum products. Is it worth it to take a chance?

Coastal has shown a blatant disregard for the law and the safety of the environment and people living in the area. Coastal Energy must be relocated to protect the **Eleven Point River**, the surrounding watershed, and the area's population. Coastal Energy should never have been built in this location and it is past time for it to relocate, and be continuously monitored in following all state and federal laws.

I appreciate your consideration of this environmental threat to our region's water supply.

Sincerely,

Doniphan, MO 63935

Docket # CWA-07-2015-0054 September 23, 2015

[redacted]
Thayer, Missouri 65791
[redacted]

TO: Kathy Robinson

To: Region VII EPA, Forest Supervisor William Nightingale, Eleven Point River District, United States Geological Survey Rolla Office, Office of Governor Jay Nixon and US Fish and Wildlife Service,

This letter is concerning water quality along Eleven Point Scenic River. I enclosed an article about water quality potential problems with Coastal Energy of Willow Springs. There was also an article October 29,2014 with West Plains Daily Quill"EPA Vs. Coastal Energy Company" by Denise Vaughn. I phoned Mark Aaron with EPA several months ago about Costal Energy Company in Willow Springs and Mark told me"He did not know how that tank farm was allowed there in first place and should not be there now in that location". I have started an herbal and Ginseng farm along the Eleven Point River and am concerned with any toxic material polluting our wonderful river we have here. Any toxic pollution upriver from the Eleven Point River would be a terrible disaster to the Eleven Point River. I moved to this area to be around the river. I have learned that when this Costal tank farm has a full load in tanks that is 22 million pounds extra weight plus the weight of concrete, etc. There is a large sink hole that is due north only half mile from the Coastal Energy tanks, and the sink hole is on private property not owned by Costal Energy, though those tanks and all that 22 million plus pounds is only half mile from this huge sinkhole not a half mile away. There is a lot of sinkholes in the area there. Also in the city of Willow Springs we have heard of pollution problems in the air. There has been reports of folks getting sick right near Coastal Energy location.

I wrote to all the agencies above because if Eleven Point River is a scenic river then we should protect our wonderful river we have. I was hoping you folks could work together to see if Coastal Energy could move the tank farm to a safer place to protect Eleven Point Scenic River. Thanks for your time and consideration. It is not too late to have Coastal Energy move to a safer place. Avoiding pollution is easier than cleaning it up.

Best Regards,
[redacted]

SIERRA CLUB
FOUNDED 1892
MISSOURI CHAPTER

Missouri Chapter
2818 Sutton Blvd, Saint Louis, MO 63143
314-644-1011, 800-628-5333
missouri.chapter@sierraclub.org
www.missouris.sierraclub.org

Kathy Robinson
Regional Hearing Clerk
United States Environmental Protection Agency
Region 7
11201 Renner Blvd
Lenexa, KS 66219

Dear Kathy Robinson,

Attached you will find comments for Docket No. CWA-07-2015-0054 – the issue of the settlement with Coastal Energy Corporation in Willow Springs, Missouri concerning their chemical tank farm. They are from Sierra Club members and supporters. These are all printed copies of the same comments that were previously submitted by email to you.

Thank you for your attention to this matter.

Sincerely,

Michael E. Berg

Michael Berg
Sierra Club Missouri Chapter Organizer
314-644-1011
Michael.Berg@sierraclub.org

[redacted]
Elk Creek, MO 65464-9637

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

The settlement does not acknowledge that the Eleven Point River has an "anti -degradation" Tier Three status. Thus the settlement needs to provide no degradation of water quality. But the settlement focuses on clean up. It needs to require more prevention measures such as secondary containment. Containment berms need to be of significant strength and size and include underground containment for seepage.

The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Mrs. [redacted]

[redacted]
Bourbon, MO 65441-6336

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

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Sincerely,
Mr [redacted]

[redacted]
West Plains, MO 65775-4664

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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Sincerely,

[redacted]

[redacted]
Birch Tree, MO 65438-9321

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Mr. [redacted]

[redacted]
Mountain View, MO 65548-8186
[redacted]

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,

[redacted]
Mountain View, MO 65548
[redacted]

Sincerely,
[redacted]

[redacted]
Cabool, MO 65689-9633

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Mr. [redacted]

[redacted]
Mountain View, MO 65548-8333
[redacted]

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

Please save 11 Point River. The settlement does not acknowledge that the Eleven Point River has an "anti -degradation" Tier Three status. Thus the settlement needs to provide no degradation of water quality. But the settlement focuses on clean up. It needs to require more prevention measures such as secondary containment. Containment berms need to be of significant strength and size and include underground containment for seepage.

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Mrs.[redacted]

[redacted]
Ava, MO 65608-9704

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

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Sincerely,
[redacted]

[redacted]
Ava, MO 65608-9683

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Ms.[redacted]

[redacted]
Mountain Grove, MO 65711-1528

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Ms. [redacted]

[redacted]
Saint Louis, MO 63118-1113

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

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Sincerely,
Ms. [redacted]

[redacted]
Willow Springs, MO 65793-8211
[redacted]

Sep 21, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

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Sincerely,
Mr. [redacted]

[redacted]
West Plains, MO 65775-3629
[redacted]

Sep 22, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

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Sincerely,
[redacted]

[redacted]
6[redacted]
Kansas City, MO 64113-2221
[redacted]

Sep 22, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

I have spent a lot of time on this beautiful river. It needs to remain pristine and unharmed for the morale of our state and nation.

Sincerely,
[redacted]

[redacted]
Kansas City, MO 64114-5711

Sep 22, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

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Sincerely,
Ms.[redacted]

[redacted]
Houston, MO 65483-1314

Sep 22, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

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Sincerely,
Mrs. [redacted]

[redacted]
Doniphan, MO 63935-9246

Sep 22, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

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Sincerely,
Mrs. [redacted]

[redacted]
Vanzant, MO 65768
[redacted]

Sep 22, 2015

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

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Sincerely,
[redacted]

[redacted]
Willow Springs, MO 65793-9272
[redacted]

Sep 22, 2015

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All stormwater and other pipes need to be accounted for. Runoff containment needs
to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.
Having grown up in Alton, Mo very near the Eleven Point River, I am especially concerned with protecting this incredible resource for my grandchildren to enjoy as I have. Being in a karst region, extra care must be taken to ensure no accidents could ever happen that would impact water quality for possibly thousands of years.

Sincerely,
[redacted]

SIERRA CLUB
FOUNDED 1892
MISSOURI CHAPTER

Missouri Chapter
2818 Sutton Blvd, Saint Louis, MO 63143
314-644-1011, 800-628-5333
missouri.chapter@sierraclub.org
www.missouris.sierraclub.org

September 23, 2015

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 7
11201 Renner Blvd
Lenexa, KS 66219

EPA Docket No. CWA-07-2015-0054

Dear Ms. Robinson,

We are submitting comments per EPA Docket No. CWA-07-2015-0054 on behalf of the Missouri chapter of the Sierra Club.

The Sierra Club is a non-profit organization dedicated to the protection, preservation and enjoyment of our natural resources. We have 8600 members throughout the state of Missouri.

A significant portion of the work of the Sierra Club in Missouri and in the rest of the country involves protection of our water resources. Fresh water is a finite resource vital to our lives and to the natural environment. Our members enjoy Missouri's many natural streams and rivers for recreation. Along with other citizens we depend on Missouri's streams, rivers and groundwater for our drinking water.

The case we are commenting on regarding Coastal Energy Corporation (CEC) of Willow Springs, MO has a direct connection to the Eleven Point Riverand to area drinking water. These are of significant concern to our members. The proposed settlement does not ameliorate the risks CEC presents.

EPA acknowledges several of CEC's failures, such as failure to develop a Facility Response Plan, failure to develop and implement Spill Prevention, Control and Countermeasures, failure to properly

site and document propane, failure to comply with NPDES storm water permit, failure to prevent unauthorized storm water discharge, and failure to obtain other NPDES permits. CEC violated several sections of the Clean Water Act, Missouri Clean Water Law and the Emergency Planning and Community Right to Know Act.

In addition, CEC, seriously and willfully misrepresented its facility at several points, for example in its 12/23/2009 statement on "Certification of the Applicability of the Substantial Harm Criteria Checklist". CEC's failure to honestly report facility information as required should be taken in account in the settlement.

In addition, CEC, has apparently been operating since 2002 without required permits and reporting. The EPA's evaluation seems to start with 2009. A full picture of the status of CEC and its current commitments should start with 2002. Per FOIA requests by other parties, no permits or other safety and environmental documentation seems to exist prior to 2009. However, CEC would have business records which could assist EPA in forming a picture of the 2002-2009 period.

CEC's tank farm is located feet from the National Scenic Eleven Point River, verynear to highways, roads and railroads. It is close to a transformer which should not be in proximity of such a facility. It is located above a known karst area which increases the danger of groundwater contamination and drinking water risks. It is very poorly situation for a facility with 2.8 million gallons of chemicals. Had CEC properly complied with requirements for this facility it is possible that another location would have been required.

EPA's proposed settlement does not seem to appreciate the risk posed by CEC at this site. The settlement requires make up, after the fact measures which fail to provide protections needed for this site. Risks posed by a facility like CEC will increase over time as the facility ages. The temporary "alarm" system does not provide ongoing protections. While the settlement requires some measures to increase clean up ability, it is less successful addressing prevention.

Specifically EPA has failed to consider the following points.

1. The Eleven Point River is a National Scenic river, classified as an Outstanding Resource Water, which is entitled to Tier 3 protections. This is not mentioned in the analysis or settlement

2. CEC is located in a karst area and subject to sinkholes. The EPA has recognized the particular and increased pollution dangers posed by karst topography in its general publications. But the karst factor is not mentioned in the analysis of CEC facility or in the settlement.

3. EPA has included contradictory statements about the height of berms at the facility. EPA should clearly examine scenarios for spills and what berm size is needed. EPA should review area rain patterns and demonstrate that it has designed prevention to meet heavy rain events.

4. EPA has not examined the risk and potential impacts of highway accidents and trail derailments. The facility is located close to a curve in railroad line. Hwy 60/63 runs by CEC. There is no acknowledgement of transportation risks.

5. The EPA is required to consider worst case scenarios for protection of Tier 3 waters. Has it done so in this case? There is no discussion of that in the analysis or settlement proposal.

6. No pipes or drainage areas should be directed toward the river. EPA has not evaluated or explained this feature clearly.

7. EPA has not reviewed what prevention measures could/should have been in place had this facility been properly reviewed from the start. Secondary containment for the tanks would have been an option. What level of protection is the public losing in the absence of such? What would be the cost of providing that now? Are there options for testing for slow leaks? In order to fully evaluate the proposed settlement the public should know something of what was missed.

8. The EPA has not considered what is likely to happen to this facility as it ages. Will the measures required in the proposed settlement endure over time?

9. The EPA needs to address CEC's responsibility for the time period between 2002 and 2009.

EPA should to go back and reopen their review of this case and fully consider the issues raised above. It should provide a settlement proposal that more fully protects the river, underground resources and the community. The EPA should consider all measures to achieve this goal, including moving the facility.

Thank you for consideration of our comments.

Sincerely,

Caroline Pufalt Caroline Pufalt

MO Chapter Sierra Club, conservation chair

SIERRA CLUB
FOUNDED 1892
MISSOURI CHAPTER

Missouri Chapter
2818 Sutton Blvd, Saint Louis, MO 63143
314-644-1011, 800-628-5333
missouri.chapter@sierraclub.org
www.missouris.sierraclub.org

September 28, 2015

Kathy Robinson
United State Environmental Protection Agency
Regional Hearing Clerk
Region 7
11201 Renner Blvd
Lenexa, KS 66219

EPA Docket Number CWA 07-2015-0054

Dear Kathy Robinson,

Enclosed you will find ~~five~~ nine letters from Sierra Club members and supporters commenting on CWA-07-2015-0054 – the matter concerning the settlement with Coastal Energy Corporation.

All letters were originally submitted by email before Sunday, September 27, 2015.

Sincerely,

Michael E. Berg

Michael Berg
Sierra Club Missouri Chapter

[redacted]
Springfield, MO 65807-4474

Sep 25, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

The settlement does not acknowledge that the Eleven Point River has an "anti -degradation" Tier Three status. Thus the settlement needs to provide no degradation of water quality. But the settlement focuses on clean up. It needs to require more prevention measures such as secondary containment. Containment berms need to be of significant strength and size and include underground containment for seepage.

The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,

[redacted]

[redacted]
Springfield, MO 65803-5195
[redacted]

Sep 26, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Mr. [redacted]

[redacted]
Springfield, MO 65803-8239

Sep 26, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,

[redacted]

[redacted]
Saint Charles, MO 63301-4116

Sep 26, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Mr. [redacted]

[redacted]
Doniphan, MO 63935-9770
[redacted]

Sep 26, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
Mr. [redacted]

[redacted]
Gainesville, MO 65655-8063
[redacted]

Sep 27, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

The settlement does not acknowledge that the Eleven Point River has an "anti -degradation" Tier Three status. Thus the settlement needs to provide no degradation of water quality. But the settlement focuses on clean up. It needs to require more prevention measures such as secondary containment. Containment berms need to be of significant strength and size and include underground containment for seepage.

The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Contamination of the beautiful Ozarks waterways would be devastating to the ecosystem and to the regional economy. (Organic) farms that use the water for irrigation would be wiped out. Tourism and enjoyment of the scenic waterways would be impacted for the long-term. The karst topology would spread the contamination far across the region.

Please help force a change and not risk a repeat of another industrial-environmental disaster.

[redacted]
Gainesville MO 65655
[redacted]

Sincerely,
[redacted]

[redacted]
West Plains, MO 65775-3358
[redacted]

Sep 27, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
[redacted]

[redacted]
Caulfield, MO 65626-9249

Sep 27, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
[redacted]

[redacted]
Springfield, MO 65804-6686
[redacted]

Sep 27, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Accidents are a serious danger. The tank farm is too close to the river.
Karst is a danger. The pollution can go anywhere.

If a sinkhole collapse occurs here there will be more serious damage.

This could be a train wreck waiting to happen.

Sincerely,
[redacted]

SIERRA CLUB
FOUNDED 1892
MISSOURI CHAPTER

Missouri Chapter
2818 Sutton Blvd, Saint Louis, MO 63143
314-644-1011, 800-628-5333
missouri.chapter@sierraclub.org
www.missouris.sierraclub.org

Kathy Robinson
United State Environmental Protection Agency
Regional Hearing Clerk
Region 7
11201 Renner Blvd
Lenexa, KS 66219

EPA Docket Number CWA 07-2015-0054

Dear Kathy Robinson,

Enclosed you will find five letters from Sierra Club members and supporters commenting on CWA-07-2015-0054 – the matter concerning the settlement with Coastal Energy Corporation.

Sincerely,

Michael S. Berg

Michael Berg
Sierra Club Missouri Chapter

[redacted]
Fairdealing, MO 63939-9723

Sep 22, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
[redacted]

[redacted]
Kansas City, MO 64114-5129
[redacted]

Sep 22, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
[redacted]

[redacted]
Thayer, MO 65791-9641

Sep 22, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River. This river is our proud heritage. Keep it clean!

Sincerely,
[redacted]

[redacted]
West Plains, MO 65775-6377

Sep 22, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

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The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River.

Sincerely,
[redacted]

[redacted]
Thayer, MO 65791-9305
[redacted]

Sep 23, 2015

Kathy Robinson

Subject: Comments on Matter of Coastal Energy Corporation - Docket Nos. CWA-07-2015-0054

Dear Kathy Robinson,

There need to be some major changes to the settlement regarding Coastal Energy Corporation in Willow Springs, Missouri, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005. The present settlement is inadequate at addressing serious threats to the 11 Point River.

The settlement does not acknowledge that the Eleven Point River has an "anti -degradation" Tier Three status. Thus the settlement needs to provide no degradation of water quality. But the settlement focuses on clean up. It needs to require more prevention measures such as secondary containment. Containment berms need to be of significant strength and size and include underground containment for seepage.

The settlement does not acknowledge the special risks associated with "karst" sinkhole risk features of the area. This makes the area an unacceptable location. These risks need to be taken into account

All stormwater and other pipes need to be accounted for. Runoff containment needs to be capable of handling major rain events. No drainage should go directly into the Eleven Point River. All of us the people, that this place is our Home, We know you people don't care, at all, just so you, and yours is safe, and sound. We will be looking VERY Close to see if a drop, goes into the Eleven point, you will have to move out of the USA, because you would no longer be SAFE, what so ever. If (ALL OF YOU PEOPLE) think you will be able to spend your MONEY, you will not have a chance to spend a penny.

Sincerely,
[redacted]

September 16, 2015

CERTIFIED MAIL

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Re: *In the Matter of Coastal Energy Corporation*
Docket Number CWA-07-2015-0054

Dear Ms. Robinson:

Coastal Energy Corporation (Coastal Energy) provides this comment in support of the proposed Consent Agreement and Final Order (CAFO) for the above-referenced matter. The CAFO represents a reasonable settlement of a disputed claim. Coastal is uncertain what information is included in other public comments on the CAFO, but since incorrect information is being circulated in other forums, Coastal Energy would like to make sure the agency has no misunderstandings of the current status of the Coastal Energy facility.

Coastal would like to reiterate the following information that has been discussed with USEPA:

1. Coastal Energy has submitted to the agency a survey establishing that a containment berm encompasses the entire Coastal Energy facility. This berm has the capacity to contain over four million gallons, far in excess of not only the contents of the largest tank at the facility, but also in excess of the entire amount of product stored at the Coastal Energy facility, with room to spare. There are no drainage pipes from the containment.

2. There are no sinkholes at the Coastal Energy facility.

3. The asphalt product stored at the Coastal Energy facility is the same asphalt used on roadways. It is solid at atmospheric temperatures. It must be heated above 200°F to flow. Any spill of the asphalt product rapidly cools and the asphalt solidifies in place. Asphalt is not soluble in water or mobile in the environment, nor would any spill reach groundwater.

4. The Eleven Point River segment adjacent to the Coastal Energy facility is dry most of the time. Trees and shrubs grow within the river bed. It is wet only during large storm events when it conveys storm water runoff. Coastal Energy's facility is more than 40 miles upstream of the designated Wild and Scenic River segment.

5. Coastal Energy has never had a spill into the Eleven Point River.

This settlement is a significant matter for Coastal Energy. Coastal Energy has put significant energy and resources into responding to all allegations and suggestions from USEPA. Coastal Energy's facility is a safe and clean facility, which has been managed without incident. Coastal Energy has comprehensive plans and procedures in place to manage any spills, should any occur. The CAFO is a reasonable settlement of a disputed matter, with the settlement funds being directed to constructive protections directly for the Willow Springs community. This settlement has been reached following significant discussions between USEPA and Coastal Energy and should be accepted.

Very truly yours,

David Montgomery
President

City of Willow Springs
900 W. Main
P.O. Box 190
Willow Springs, MO 65793
Phone: (417) 469-2107
Fax: (417) 469-4789

September 11, 2015

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Re: In the Matter of Coastal Energy Corporation
Docket Number CWA-07-2015-0054

Dear Ms. Robinson:

This letter provides comments on the Consent Agreement and Final Order proposed for Coastal Energy Corporation. The undersigned support the resolution of the U.S. Environmental Protection Agency's allegations against the Coastal Energy facility by the proposed Consent Agreement and Final Order which USEPA has noticed for public comment.

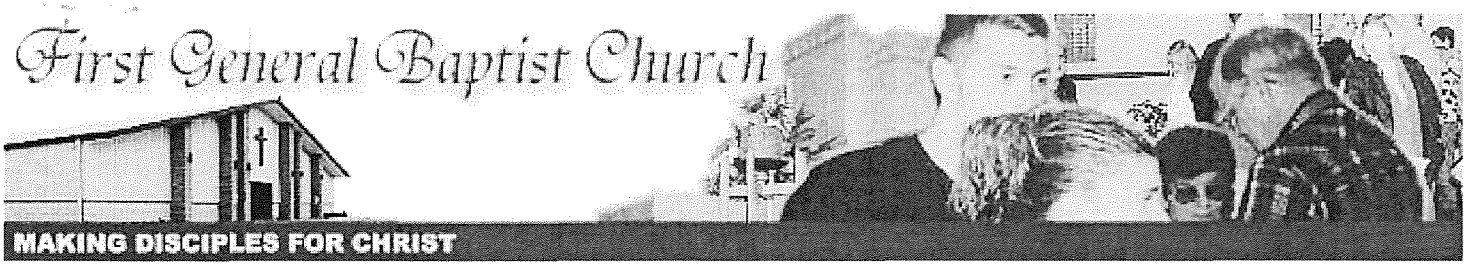
Coastal Energy is a good citizen of the City of Willow Springs. There has never been a release of petroleum from the Coastal Energy facility. The City is familiar with the facility, has observed operations at the facility and has no concerns about facility operations. The Coastal facility is operated in a professional manner, without damage to the local environment.

The City is familiar with the products stored at the Coastal facility. The asphalt stored at the Coastal Energy facility is the same as the asphalt used by the City on City roads. This material is not damaging to the environment, nor is it mobile in the local environment. The entire facility is surrounded by secondary containment and even if some of the product spilled, which has not occurred to date, it would be contained within the containment and would solidify quickly, just as it does on area roads.

We believe that the settlement placed on public notice contains a significant penalty and also contains provisions that will add even more protections for the local environment. We are particularly pleased that the settlement will result in additional equipment for the local fire department that can be put to good use by the City. The result of the settlement will be better protection for the environment, enhanced capabilities for the Willow Springs Fire Department and a sufficient penalty to the company. We urge that the proposed Consent Agreement and Final Order be accepted.

Sincerely,

Beverly Hicks
City Administrator
City of Willow Springs



September 17, 2015

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Re: Coastal Energy Corporation
Docket No. CWA-07-2015-0054

Dear Ms. Robinson:

This letter provides comments on the Consent Agreement and Final Order proposed for Coastal Energy Corporation. The undersigned supports the resolution of the U.S. Environmental Protection Agency's allegations against the Coastal Energy facility by the proposed Consent Agreement and Final Order which USEPA has noticed for public comment.

Coastal Energy is an important and responsible business for the Howell County area. It is located due west of First General Baptist Church and is also on the same watershed. The church is familiar with the facility and has no concerns about facility operations. The Coastal facility is operated in a professional manner, without damage to the local environment.

First General Baptist Church believes that the settlement placed on public notice contains more than sufficient penalty and also contains provisions that will add even more protections for the local environment. The result of the settlement will be better protection for the environment, enhanced capabilities for the Willow Springs Fire Department and a sufficient penalty to the company. We urge that the proposed Consent Agreement and Final Order be accepted.

Very truly yours,

Scott Williamson

Scott Williamson
Pastor

Scott Williamson – Senior Pastor
Office: 417-469-2709
Cell: 417-252-0916

First General Baptist Church
PO Box 222
Willow Springs, MO 65793

MARK B. COLLINS
Presiding Commissioner

BILL LOVELACE
Northern Commissioner

BILLY SEXTON
Southern Commissioner

HOWELL COUNTY
Forever Productive
Forever Beautiful
MISSOURI

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Room 302
West Plains, MO 65775

Meeting Days:
Mondays and Thursdays

Phone: 417-256-3872
FAX: 417-256-2512

HOWELL COUNTY COMMISSION

September 17, 2015

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Re: Coastal Energy Corporation
Docket No. CWA-07-2015-0054

Dear Ms. Robinson:

This letter provides comments on the Consent Agreement and Final Order proposed for Coastal Energy Corporation. The undersigned support the resolution of the U.S. Environmental Protection Agency's allegations against the Coastal Energy facility by the proposed Consent Agreement and Final Order which USEPA has noticed for public comment.

Coastal Energy is an important and responsible business for the Howell County area. We are familiar with the facility and have no concerns about facility operations. The Coastal facility is operated in a professional manner, without damage to the local environment.

Howell County is familiar with the products stored at the Coastal facility. The asphalt stored at the Coastal Energy facility is the same as the asphalt used by the County on County roads. This material is not damaging to the environment, nor is it mobile in the local environment. The entire Coastal facility is surrounded by secondary containment and even if some of the product spilled, which has not occurred to date, it would be contained within the containment and would solidify quickly, just as it does on area roads. Like all citizens of Howell County, we enjoy the benefits of living in a beautiful area. The Coastal facility is designed and operated in such a manner to protect the local environment and the beauty of the area.

We believe that the settlement placed on public notice contains a significant penalty and also contains provisions that will add even more protections for the local environment. The result of the settlement will be better protection for the environment, enhanced capabilities for the Willow Springs Fire Department and a sufficient penalty to the company. We urge that the proposed Consent Agreement and Final Order be accepted.

Sincerely,

Mark B. Collins, Presiding Commissioner

Bill Lovelace, Associate Commissioner

Billy Sexton, Associate Commissioner

September 25, 2015

GREAT RIVERS
Environmental Law Center
Lawyers for the Environment

319 North Fourth Street
Suite 800
St. Louis, MO 63102-1935
Telephone (314) 231-4181
Facsimile (314) 231-4184
www.greatriverslaw.org

Ms. Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region VII
11201 Renner Blvd.
Lenexa, KS 66219

Re: Comments on Coastal Energy Corporation Proposed Consent Agreement/Final Order, Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005

Dear Ms. Robinson:

Great Rivers Environmental Law Center submits the following comments on behalf of Kazie Perkins, 3000 PR 5450, Willow Springs, MO 65793, regarding the Proposed Consent Agreement/Final Order ("CA/FO") between Coastal Energy Corporation ("Coastal") and EPA (Docket Nos. CWA-07-2015-0054 and EPCRA-07-2015-0005). Ms. Perkins lives on Noblett Creek, which flows through the Carman Springs Natural Area. She has participated in various Missouri Stream Teams and is the head of the Eleven Point Water Watchers Stream Team, for which she recently received a 15-year Certificate from the State. Ms. Perkins is very concerned about the quality of Missouri's rivers, particularly the Eleven Point River which is designated as an "Outstanding National Resource Water," 10 C.S.R. 20-7.031, Table D, by the MDNR.

EPA must take further action outside of the CA/FO to terminate Coastal's NPDES permit and to end the threat posed by the facility on the Eleven Point River and the communities that depend on this sensitive environment for drinking water, tourism, and recreation. The penalty assessed by EPA against Coastal under the Proposed CA/FO is inadequate to deter Coastal from committing more violations of the Clean Water Act ("CWA") and the Emergency Planning and Community Right to Know Act ("EPRCA"), taking into account all relevant factors. Moreover, the SEPs contemplated in the CA/FO do not provide a sufficient environmental benefit to allow Coastal to defray such a large amount civil penalties, especially when the required actions predominantly inure to Coastal's benefit.

Background

According to the CA/FO, Coastal's operations at the Willow Springs facility began in 2002. A review of historic Google Earth images

demonstrates that Coastal has steadily increased capacity of petroleum-based product storage and operations at the facility since 2002. Coastal did not secure a NPDES Wastewater Permit (MO0136883) and a Permit to Construct (102012-004) from the Missouri Department of Natural Resources ("MDNR") until 2012. Both permits clearly indicate that no prior permit existed for the facility, yet both permits also indicate that no enforcement action was taken against the facility for ten years of non-compliance with the Missouri Clean Water Law/CWA and the Missouri Air Conservation Law/Clean Air Act ("CAA").

EPA then determined through inspections of the facility on February 10, 2014, and March 18, 2014, that Coastal violated the CWA by failing to maintain and implement a Facility Response Plan ("FRP") from 2002 to 2014, and maintained an inadequate Spill Prevention Control and Countermeasure Plan ("SPCC Plan") from 2009 until 2014. EPA also determined that Coastal violated EPCRA by failing to report its storage of more than 10,000 gallons of propane to the appropriate authorities through records requests on June 20, 2014. During an inspection of the facility on July 10, 2014, EPA issued several Notices of Potential Violations to Coastal and concluded that there was a "clear indication that Coastal Energy was discharging [industrial stormwater] to [the Eleven Point River] and thus violating the requirements of the NPDES permit."

Coastal's significant and lengthy period of complete disregard for various state and federal laws has resulted in the siting of a facility that is at odds with the highly sensitive environment in which it is located. Furthermore, the illegal operation of the facility most likely resulted in undocumented industrial stormwater discharges from the facility into the Eleven Point River for ten years prior to securing a NPDES permit. Illegal industrial stormwater discharges from the facility continued subsequent to issuance of its NPDES permit in 2012 as documented in EPA's July 10, 2014 inspection. While it is encouraging that EPA has taken enforcement action against the facility, the proposed CA/FO does not adequately address the violations alleged therein in light of the circumstances surrounding Coastal's lengthy and significant non-compliance with various federal and state laws.

NPDES Permit Termination

Under 40 C.F.R § 122.64, EPA may terminate a NPDES permit, including a permit issued under an authorized state program, based on: (1) noncompliance by the permittee with any condition of the permit; (2) the permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; (3) a determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or (4) a change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit. The presence of one of these factors is sufficient for EPA to terminate a NPDES permit. Coastal's permit must be terminated based on the clear presence of three out of four of the factors.

Coastal operated a facility that caused non-permitted discharges from 2002 until permit issuance in 2012. After permit issuance, Coastal continued to violate various provisions of its no-discharge NPDES permit by directly discharging industrial stormwater into the Eleven Point River. Coastal's explanation to EPA during the July 2014 inspection that it did not know that it was not supposed to discharge demonstrates Coastal's continued reluctance to comply with the law and constitutes grounds for permit termination.

Coastal has misrepresented facts in both its NPDES permit application submitted to MDNR and in its "Certification of the Applicability of the Substantial Harm Criteria Checklist" to EPA. In applying for its NPDES permit with the state, Coastal misrepresented plans and specification for its facility which purported to show the facility as a no-discharge industrial stormwater system, when Coastal in fact knew that it had several unpermitted outfalls that would result in illegal discharges into the Eleven Point River. MDNR relied on Coastal's representation that the facility would only have one outfall that would only be used in emergency rainfall scenarios, yet the facility contained at least five separate outfalls capable of discharges. Furthermore, Coastal misrepresented facts to EPA in reporting on the environmental impact of its facility. On December 23, 2009, Coastal misrepresented on its "Certification of the Applicability of the Substantial Harm Criteria Checklist" that it stored less than 42,000 gallons of oil, that it had adequate secondary containment, that it had less than 1 million gallons of oil and was not located at a distance from a waterway that a discharge would cause injury to fish, wildlife, and sensitive environment or impact drinking water supply. In fact, Coastal stored 2.8 million gallons of oil, did not have adequate secondary containment, and was located in such close proximity to the Eleven Point River, an extremely sensitive environment, that Coastal's discharges could impact wildlife, fish, and drinking water. These misrepresentations to EPA and MDNR constitute valid grounds for EPA to terminate Coastal's NPDES permit.

Finally, Coastal's NPDES permit should be terminated because the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit termination. The amount of oil stored by Coastal combined with its scofflaw approach to environmental regulation endangers the region's reliance on groundwater as a source of drinking water and the sensitive nature of the Eleven Point River with its losing stream characteristics from the karst geology of the area. Failure to terminate Coastal's NPDES permit creates the "perfect storm" for a human health and environmental nightmare which could completely overshadow the West Plains sewage lagoon collapse in 1978 in the history of the region.

Penalty Under the CWA

When assessing a Class II civil penalty under the CWA, EPA must consider the seriousness of the alleged violations; Respondent's economic benefit of noncompliance; the degree of culpability involved; any other penalty for the same incident; any history of prior violations; the nature, extent, and degree of success of any efforts of the violator to minimize or

mitigate the effects of a discharge; the economic impact of the penalty on the violator; and any other matters as justice may require.[1]

Coastal's total non-compliance with the requirements of Section 311(j) of the Clean Water Act by failing to maintain and implement a Facility Response Plan ("FRP") from 2002 to 2014 constitutes a major deviation from compliance with the CWA and implementing regulations and is a serious violation. Coastal's complete disregard for the requirement to maintain and implement a FRP spans a twelve-year period in which the facility threatened significant harm to public health, fish, wildlife, and sensitive environments. Moreover, Coastal's failure to maintain an adequate Spill Prevention Control and Countermeasure Plan ("SPCC Plan") from 2009-2014 is a serious violation because the of the lack of adequate secondary containment and other protective measures designed to prevent threats to the environment. The lengthy non-compliance presented a major risk of harm to the environment by Coastal's storage of approximately 2.8 million gallons of petroleum-based substances in close proximity to an extremely sensitive environment, the Eleven Point River. Coastal's failure to secure a NPDES permit and Construction Permits for its operations until after siting, initial construction, expansions, and ten years of operation, combined with its continued violation of its NPDES permit by discharging industrial stormwater into the Eleven Point River, demonstrates a history of prior violations. The long-standing and continuous nature of Coastal's violations demonstrates a degree of culpability that is unacceptable and justice requires the imposition of significant civil penalties.

While 311(b)(6)(ii) only allows a maximum penalty of $125,000 for violations of 311(j) related to the FRP and SPCC, given the length of time of the violations (12 years or 4,380 days for the FRP and 5 years or 1,825 days for the SPCC), the significant deviation from compliance (complete non-compliance with FRP requirements and significant non-compliance with SPCC requirements), and the risk of significant environmental harm posed by the facility during this time (2.8 million gallons of product in close proximity to an Outstanding National Resource Water), EPA should assess the maximum penalty cognizable under 311(b)(6)(ii) in this situation. The purpose of civil penalties is to deter future non-compliance by the violating facility as well as other similarly-regulated facilities. Moreover, the purpose of a civil penalty is to disgorge a violator of the economic benefit it received by avoiding the cost of compliance.

Assessment of a nominal fine of $25,000 to a facility that admittedly makes millions of dollars a year (based on its own representation of a $4 million dollar annual payroll in an October 2014 article in the *West Plains Daily Quill*) fails to provide a deterrent to future violations by Coastal or other regulated entities and fails to disgorge the facility of the economic benefit it received for 12 years of non-compliance with the CWA and other environmental laws. Despite lack of access to Coastal's financial information and the ability to run BEN/ABEL models on the corporation, it is likely that Coastal does not suffer from an "inability to pay" a much higher penalty than that proposed under the CA/FO.

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[1] 33 U.S.C. § 1321(b)(8). See EPA Docket No. CWA-10-2015-0053 (June 30, 2015) at Paragraph 4.3.

Even viewing the proposed penalty in the most favorable light, the penalty is not adequate to address the violations of both the CWA and EPCRA alleged in the CA/FO. An up-front $25,000 civil penalty combined with $180,547 paid in SEPs ($90,274 assuming a 2:1 discount ratio for SEPs), may approach the statutory maximum of $125,000 under the CWA, but fails to account for the significant and lengthy violations of the EPCRA discussed below.

Penalty Under EPCRA

Under 42 U.S.C. § 11045(c) EPA may assess a penalty of $25,000 for *each* day Coastal Energy was in violation of 42 U.S.C. § 11022 and each day of violation is treated as a *separate* violation for purposes of penalty assessment. The CA/FO alleges violations of 42 U.S.C § 11022(a) for Coastal's failure to disclose its storage of over 10,000 pounds of propane. The CA/FO is unclear about how long the EPCRA violation persisted after Coastal first missed the March 1, 2013 deadline. However, EPA's September 26, 2014 letter to Coastal's attorney indicates that Coastal had not submitted the Tier II form at that time and, therefore, the violation appears to have continued for more than a year and a half after the March 1, 2013 deadline. This represents at least 572 days of separate violations (assuming the Tier II form was submitted on September 26, 2014, which presumably it was not), and would result in a maximum penalty under EPCRA of $14,300,000. As discussed above, the imposition of a $25,000 upfront civil penalty and $180,547 paid in SEPs basically provides Coastal with a free pass for violating EPCRA.

SEPs

While the SEPs provided for in the CA/FO are legal because the proposed work and expenditures are not required for Coastal's compliance with any environmental law or regulations applicable to the facility and provide an environmental benefit, the SEPs mostly inure to the economic benefit of Coastal.

Real-Time Monitoring

Real-time monitoring at the facility is an environmental benefit from the standpoint of limiting the extent of a potential release of pollutants into the environment by allowing a faster response in the event of such release. However, Coastal is agreeing to take an action that will significantly limit its liability (i.e. natural resource damages and future civil penalties) in the event of a release. While real-time monitoring is not legally required, it is nonetheless an action that will have significant benefit for Coastal and is a best management practice that the company should take outside of the context of this CA/FO. For Coastal to gain such a significant reduction in civil penalties by taking an action that it benefits from so significantly is inappropriate as a SEP. Equally inappropriate is the provision in the SEP that requires Coastal to maintain the real-time monitoring for only five years. If Coastal is allowed to defray such a large amount of penalty through a SEP that largely inures to its own benefit, given the length and severity of the past non-compliance, Coastal should be required to maintain the SEP for the lifetime of the facility.

Moreover, real-time monitoring does nothing to prevent a spill from risks applicable to the location of the facility. The primary concern of residents with the past violations and the continued operation of the facility is the risk of groundwater contamination caused by catastrophic collapse from sinkholes and the karst geology at the site to an extremely sensitive environment. The CA/FO merely states that Coastal certifies that it is currently in compliance with applicable regulations. Presumably, this means that the lack of adequate secondary containment that was documented by EPA has been corrected by building a higher berm. However, the illegal construction and expansion of the facility prevented state regulators from determining whether the siting of the facility was appropriate in the first place. A geohydrologic survey conducted by the Missouri Department of Geology and Land Survey ("DGLS") in 2011 indicates that the Northern portion of the property where the storage tanks are located is dominated by features associated with karst geology and sinkholes.

The risk of catastrophic failure of the facility's storage tanks is unacceptable given the location of the facility on the banks of an Outstanding Natural Resource Water, which is connected to the region's drinking water supply. SEP money should be required to assess *post-hoc* the risks posed by the geology present at the facility through catastrophic collapse and groundwater contamination, such with as ground-penetrating radar. SEP funds should then be used to retrofit the facility to adequately address the risks identified. While these efforts will never truly rectify the illegal siting of the facility, they would at least provide the community that has been put at risk by Coastal's violations with some assurances that the facility is not an imminent and immediate threat to their environment.

Fire Department Funds

Coastal is required under the CA/FO to spend $73,200 on equipment for the Willow Springs Fire Department ("WSFD"). Such equipment, as acknowledged in the SEP, is designed to allow the WSFD to respond to incipient fires at Coastal, which predominantly benefits Coastal economically by limiting its liability in the event of a fire. While the SEP explains that a tangential benefit to the community would be realized by the WSFD's ability to respond to oil spills on Highway 63 from the 600 ft. of oil boom, the SEP does not discuss whether the WSFD actually has a need for such equipment beyond responding to a fire at Coastal. The expenditure of funds on equipment alone does not ensure that WSFD would be able to adequately respond to a fire at Coastal given the nature of the chemicals present on-site. Coastal should pay further SEP funds to ensure that WSFD has training and required certifications to address a hazardous waste fire to ensure that SEP funds are truly providing an environmental benefit to the community.

Conclusion

We urge the EPA to consider the foregoing comments in its ultimate decision on how to rectify appropriately a situation that has posed, and continues to pose, significant threats to the local community and environment; and has caused, and will likely continue to cause, pollution to an extremely sensitive and important public resource. Coastal's "wild-west" approach to doing business at the expense of human health and the environment warrants EPA to utilize its

authority to terminate Coastal's NPDES permit, thereby requiring the facility to vacate its current location. Furthermore, EPA must levy penalties that both deter reoccurrence of such situations and limit the continued threats posed this facility. To that end, we urge the EPA to assess a higher penalty for past violations and to require a greater amount of SEPs funds to be used to address the unique risks posed by the location of the facility in a karst area adjacent to an Outstanding National Resource Water.

Very truly yours,

Bob Menees
Staff Attorney